



KANSAS LEGISLATIVE
DIVISION *of*
POST AUDIT

A Limited-Scope Performance Audit Report Presented to the Legislative Post Audit Committee

Reviewing Ford County's Ballot Reconciliation Process During the 2024 Primary Election

October 2024

Report Number: L-24-014

Introduction

The Legislative Post Audit Committee requested this limited-scope audit, which was authorized by the Legislative Post Audit Committee at its June 18, 2024 meeting.

Objectives, Scope, & Methodology

Our audit objective was to answer the following question:

1. Did Ford County have an adequate process for ensuring the number of voted ballots reconciled with the number of voters in the 2024 primary election?

The scope of our work included Ford County Election Office's policies and practices for ballot reconciliation during the 2024 primary election. This included documents from polling sites such as poll book records, election night ballot reconciliation sheets, and election night result tapes from tabulation equipment.

Our method included balancing poll book records with election night result tapes and verifying that ballot reconciliation sheets from polling sites matched that information. We also checked provisional poll books and ballot reconciliation sheets to ensure the number of provisional ballots matched the number of provisional poll book check-ins.

More specific details about the scope of our work and the methods we used are included throughout the report as appropriate.

Important Disclosures

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. Overall, we believe the evidence obtained provides a reasonable basis for our findings and conclusions based on those audit objectives.

Audit standards require us to report our work on internal controls relevant to our audit objectives. They also require us to report deficiencies we identified through this work. In this audit, we reviewed Ford County's practices for reconciling ballots with poll book check-ins. We identified a case where poll workers did not follow the county's ballot reconciliation process. This is described more fully in the report.

Our audit reports and podcasts are available on our website www.kslpa.gov.

Ford County’s ballot reconciliation process did not ensure the number of voted ballots reconciled with the number of voters in the 2024 primary election.

Background

The Kansas Secretary of State maintains a database of registered voters in Kansas called the Election Voter Information System.

- The Election Voter Information System (ELVIS) is a database that stores information about registered voters in Kansas. ELVIS stores information such as the birth date, address, registration date, party affiliation, and voter history.
- Voter registration closes 20 days before primary and general elections. This freezes the registered voter list in ELVIS. County election offices use this frozen list to update their poll books for election day. Poll books are tools used at polling sites that contain the list of registered voters for a county or polling site.
- Voter registration re-opens after canvass, when the official election results are determined. County election offices update ELVIS with the voter information collected by their poll books during the election such as who voted.

County election offices and poll workers use this database to update poll books before the election.

- Once voter registration closes, county election offices update their poll books based on the database.
- For advanced voting, county election offices use voter registration information from ELVIS and poll books to determine voter eligibility for (e.g., in-person advanced, mail-in).
- On election day, poll workers use poll books to determine voter eligibility at polling sites. Poll workers are volunteers used by the county election office. They run the polling sites on election day. Poll workers use the poll books that were updated with voter information from ELVIS before the election to determine voter eligibility on election day.
- In-person voters present their identification to election office staff or poll workers who look up their information in the poll book. Eligible voters must sign the poll book before they may vote. This helps ensure that each voter only casts 1 ballot.
- If an in-person voter isn’t eligible to vote based on the poll book, they sign the provisional poll book and they vote a provisional ballot. Voters may not be in the poll book for a few reasons. For example, they may have missed the

registration window, or their registration application may have been delayed in the mail. A provisional ballot is only counted after the county election office researches the voter and determines they are eligible to vote. Otherwise, provisional ballots are not counted.

- The Ford County election officer said mail-in provisional ballots are rare. If they're needed, her office uses a special provisional envelope to ensure they separate provisional mail-in ballots from regular mail-in ballots.

Voters in Ford County have a few options for voting and casting their ballots.

- One way eligible voters in Ford County can vote is by advanced mail-in paper ballot. Voters apply for a mail-in ballot with the county election office. Once approved, voters receive and vote their ballot, place it in the supplied ballot envelope, and sign the ballot envelope. They then return their ballot to the election office or a polling site to be counted for the election. Mail-in ballots in unsigned envelopes aren't valid unless the election office can contact the voter, and the voter signs the ballot envelope.
- Eligible voters can also vote in-person during early voting or on election day using 1 of 2 options.
 - Voters may use a ballot marking device to vote their ballots. The ballot marking device is a touch screen computer used to mark and print ballots at the polling site.
 - Voters may request a pre-printed paper ballot that they mark by hand at the polling site.
- In most cases, voters cast their ballots by inserting them into a tabulation machine. The tabulation machine counts the ballots using an optical scanner. If a tabulation machine can't read a ballot, it's counted by hand at the county election office.
- Ford County has 5 polling sites. 1 polling site doesn't use a tabulation machine because the site doesn't have many voters. Ford County's election officer explained this site uses a ballot box instead. Voters at this site have the same options for voting as other polling sites, but they place their ballots into a locked ballot box. The ballots are then counted by a tabulation machine at the election office.
- Provisional voters vote provisional paper ballots. These are not sent through the polling site tabulation machines or placed in a ballot box for valid ballots.

The number of ballots cast must reconcile with the number of poll book check-ins as soon as the polls close.

- The number of ballots cast is the sum of the tabulation machine counts for non-provisional voters. Provisional ballots are counted separately.
- The poll book check-ins for each type of poll book (regular poll books and provisional poll books) are also counted and totaled when the polls close.
- Ballot reconciliation is ensuring that the number of ballots cast matches the number of poll book check-ins.
- State law (K.S.A. 25-4412 & 25-4611) requires that as soon as the polls close, the supervising poll worker of the polling site must count the number of ballots cast and provisional ballot containing envelopes. These counts must balance with the number of voters who signed the poll book or provisional poll book. The supervising poll worker must report any discrepancies in writing to the county election officer with the reason for the discrepancy.
- State law only requires that poll workers conduct ballot reconciliation once at the end of election day. However, in a previous audit, we saw that some counties do this more frequently.

Ford County's Ballot Reconciliation

We reviewed Ford County's election records from the 2024 primary election to evaluate Ford County's ballot reconciliation process.

- We went on-site to Ford County's election office to review their ballot reconciliation process. We reviewed result tapes printed from tabulation machines for all polling sites, advanced ballots, and mail ballots. Election office staff and poll workers print results tapes at the close of polling. The tapes show the results for each race and the total number of ballots counted by the tabulation machine.
- We compared these totals against poll book check-in records for each polling site. We also checked ballot reconciliation sheets for each polling site for accuracy. This helped us determine if Ford County's ballot reconciliation process was adequate for ensuring the number of voted ballots reconciled with the number of voters in the 2024 primary election.
- We also reviewed Ford County's official election results report.

At 4 of the 5 polling sites, poll book check-ins and the number of votes cast balanced.

- Ford County implemented its described ballot reconciliation process and provided evidence showing poll book check-ins and voted ballots balanced at 4 polling sites.
- We saw that poll workers at all 4 of these polling sites used the ballot reconciliation sheets provided to them by the county election officer. The ballot reconciliation sheets were accurate and included the necessary information. For example, we saw that the information on the ballot reconciliation sheets matched the counts in the tabulation machine results tapes and poll book sign-in records.

Poll workers at 1 polling site did not follow the proper processes, which caused voted ballots to exceed poll book check-ins by 1 ballot.

- Our work showed the poll book check-ins were 1 less than the total number of ballots counted at 1 polling site. This means there appeared to be 1 more ballot cast than there were voters who checked in. We identified this discrepancy by verifying documentation of totals from the poll book and tabulation machines. We then reviewed poll book receipts and hand tally sheets one by one to verify the discrepancy.
- This discrepancy occurred because poll workers didn't follow procedures:
 - From what we can tell based on the poll book log and the testimony of the Ford County election officer, poll workers at the site appeared to allow another poll worker to cast a ballot without signing the poll book. Ford County uses electronic poll books, so we were able to review a poll book log showing that a worker began the poll book check-in process but never completed it. In the poll book log, we saw where the worker made several initial selections in the poll book for the voter before backing out of the required signature screen. The poll book logs don't identify the poll worker or the reason the worker left the signature screen without a signature. Poll workers should not have allowed this person to vote because they did not complete the check-in and sign the poll book.
 - Poll workers at the site did not complete the ballot reconciliation sheet provided by the election officer. Instead, the workers had a handwritten tally. This tally appeared to misrepresent the poll book count because it showed the poll book counts matching the tabulation counts throughout the day.
 - It is unclear why poll workers didn't document the discrepancy between the poll book count and tabulation counts and explain the cause in writing to the county election officer.

The election officer was not aware of the discrepancy until we identified it through our audit work.

- The election officer certified the results based on the handwritten tally sheet created by the poll workers. Even though the polling site workers didn't use the required ballot reconciliation form, the handwritten tally sheet number matched the tabulation tape. She was not aware of the issue immediately because election office staff do not check that the reconciliation reports from poll workers are accurate. She learned about the discrepancy through our audit work.
- According to the Ford County election officer, the poll worker who voted without signing the poll book told her that the poll book malfunctioned and didn't record their check-in when they voted. However, the election officer said the worker didn't tell her this until a couple days after the election ended. The election officer told us the poll workers should have switched to a different poll book immediately when they suspected a problem with the poll book function. They should have also required the worker to sign a new poll book before being allowed to vote. Based on our review of poll book logs and activity, the poll book appeared to work properly throughout the day.
- The election officer said she plans to retrain the poll workers and provide them with worksheets they can use to report any voting equipment malfunctions to the election office.

Overall, Ford County's 2024 primary election totals did not balance because of that 1 vote.

- Ford County polling sites reported a total of 1,370 total ballots counted for the 2024 primary election across election day voting, early in-person voting, mail-in voting, and canvassed provisional ballots. We reviewed documentation from each polling site on election day, early in-person voting, mail-in ballots, and provisional ballots to confirm these totals. Results tapes from tabulation machines and other documentation support that count.
- The supporting documentation from results tapes shows that 852 of those ballots were cast by people who voted in Ford County's 2024 primary election at election day polling sites. However, election day polling sites reported a total of 851 poll book check-ins. The difference between the total ballot count and voter count was the 1 poll worker who was allowed to vote without signing the poll book.

Voter Declaration

County election officers must include specific language on the signature page of their poll books.

- The signature page on the poll book isn't directly used for ballot reconciliation. However, a signature is required to continue the voter check-in process at the polling site. We were asked to check if Ford County's poll books and provisional poll books had the correct voter declaration per state law.
- State law (K.S.A. 25-2507) requires that a declaration appears on each signature page that in-person voters attest to. Generally, it states they are a registered voter in Kansas, they're signing their own name, and they are qualified to vote.
- Mail-in voters don't sign a poll book. Secretary of State officials and the Ford County election officer explained that the advance ballot application serves as the poll book declaration for mail-in and provisional mail-in ballots. The application has a different set of requirements than the poll book declaration. We did not review these requirements or applications because they are outside of the audit scope.

Ford County's poll books had a declaration on the signature page, but they did not have the specific language required by state law.

- We reviewed the poll books and provisional poll books for each polling site to determine if they had the following declaration required by state law:
 - *"I, the undersigned, declare under penalty of perjury that I am a registered voter in the state of Kansas, county of _____, that I have not signed a name other than my own in order to represent myself as any other registered voter, and that I am qualified to vote and have not previously voted and will not vote again in the election held on this date, in this or any other jurisdiction in the United States, for any offices or ballot issues."*
- We observed that all Ford County's poll books and provisional poll books included a declaration on each page (or on the signature page in the case of the electronic poll books).
- However, the language was outdated and did not reflect the current declaration required by state law. It included language about being a qualified voter rather than a registered voter and was missing the ending phrase *"...in the election held on this date, in this or any other jurisdiction in the United States, for any offices or ballot issues."*
- The Ford County election officer provided documentation showing they've updated their poll books and provisional poll books to comply with state law (K.S.A. 25-2507) as of September 15, 2024. Because they've already updated

their poll books to follow state law, we have no recommendations for this issue.

Recommendations

1. The Ford County election officer should ensure that poll workers follow procedures for reconciling the number of ballots cast with poll books check-ins on election day according to statute.
 - Agency Response: I will have special training for the supervising judges to go over the forms again. I will stress these forms and how to fill them out. I will ask them what would help them to fill it out or to understand them better. I will go over the poll books again with all board workers and stress to Supervising Judges and poll workers to pull if they have a problem with any machine and to let me know right away. Not to wait until after the election.
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Agency Response

On September 26, 2024 we provided the draft audit report to the Ford County Clerk's Office. Agency officials responded to our recommendations, but did not submit any other written remarks.