

STATE OF COLORADO
Department of State

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Wayne Williams
Secretary of State

Judd Choate
Director, Elections Division

Elections Order 2018-01

Re: Target Contests for Risk-limiting Audits of 2018 Primary Election

Date: July 6, 2018

Applicable Law

Colorado law currently requires county clerk and recorders to conduct risk-limiting audits (RLAs) following each primary, general, coordinated, or congressional vacancy election. Section 1-7-515(2)(a), C.R.S., further states: "Races to be audited shall be selected in accordance with procedures established by the secretary of state, and all contested races are eligible for such selection."

Election Rule 25.2.2(i) specifies the procedures for selecting the ballot contests to be audited (the "target contests") in RLAs following different types of elections:

Selection of target contests. No later than 5:00 p.m. MT on the Friday after election day, the Secretary of State will select the target contests. In a general or coordinated election, the Secretary of State will select at least one statewide contest, and for each county at least one other contest. The Secretary of State will select other ballot contests for audit if in any particular election there is no statewide contest. In a primary election, the Secretary of State will select at least one countywide contest of each major political party in each county. The Secretary of State will publish a complete list of all target contests on the Audit Center. The Secretary of State will consider at least the following factors in selecting the target contests:

- (1) The closeness of the reported tabulation outcome of the contests;
- (2) The geographical scope of the contests;
- (3) The number of ballots counted in the contests;
- (4) Any cause for concern regarding the accuracy of the reported tabulation outcome of the contests;
- (5) Any benefits that may result from auditing certain contests; and
- (6) The ability of the county clerks to complete the audit before the canvass deadline.

Under Election Rule 25.2.5, I may alter, by order, any of the requirements outlined in Rule 25.2.

Background

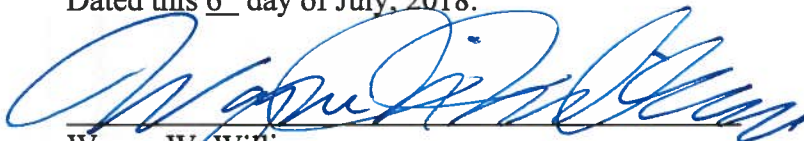
The 2018 Primary Election was held on Tuesday, June 26th, I met with my staff on Wednesday, June 27th, to select the target contests for the risk-limiting audits to be conducted in each of the 61 Colorado counties that utilized vote tabulation systems,¹ based on preliminary election results available at the time and the factors set forth in Election Rule 25.2.2(i). I finalized my preliminary selection on Thursday, June 28th, and directed staff to distributed the preliminary selections to all county clerk and recorders and invite their comment. My staff posted the list of target contests on the [Audit Center](#) of the Secretary of State's website in the afternoon of Friday, June 29th.

A county election official commented on the preliminary selection of target contests, and noted my staff's estimated number of ballots to audit appeared to be incorrect based on a comparison of different contest margins. My staff confirmed the incorrect calculation on Monday, July 2nd, and also determined the same error affected the targeted contests of other counties conducting ballot polling audits. On July 5th, I reviewed the revised calculations and changed some of the target contests in some of the affected counties. My staff posted on the Audit Center a corrected list of target contests on Thursday, July 5th. Bipartisan county audit boards will begin conducting the RLAs on Friday, July 6th.

Order

In accordance with Rule 25.2.2(i), I selected as target contests at least one countywide contest from each major party ballot for all counties except Cheyenne, Costilla, and Lake. Because selecting target counties from both parties in these three counties would result in an audit of more ballots than were cast by a party, in accordance with Election Rule 25.2.6, I alter Election Rule 25.2.2(i)'s requirement to select as target contests "at least one countywide contest of each major political party" for the 2018 Primary Election RLA in Cheyenne, Costilla, and Lake Counties only. Further rationale for this decision will be contained in an explanatory statement posted on the Audit Center.

Dated this 6th day of July, 2018.



Wayne W. Williams
Colorado Secretary of State

¹ Election Rule 25.2.1 requires counties that use vote tabulation systems to conduct RLAs. Jackson, Montrose, and San Juan hand counted all ballots during the 2018 Primary Election, and therefore are not required to perform RLAs.