



Preliminary Nonpartisan Election Observation Statement on Logic and Accuracy Testing in Arizona Ahead of 2022 Midterm Election

The Carter Center congratulates local and state election officials, as well as official political party observers from the Democratic and Republican parties, for working together to ensure rigorous testing of the voting and counting equipment that will be used in the state of Arizona for the 2022 midterm election. Against a backdrop of prolonged political polarization and partisan acrimony over the elections process, Arizonans should take pride in the peaceful and civil environment in which testing took place. Thanks to the combined efforts of all actors, all of the voting and counting equipment in the county office locations where The Carter Center observed ultimately passed logic and accuracy testing, which occurred between Oct. 5 and 11.

Although some errors were noted and addressed in several counties, The Carter Center is not aware of any substantive challenges raised by observers from any of the registered political parties about the testing process or its outcomes. In each of the counties where Carter Center observers were present, errors were caught and corrected. All of the equipment ultimately passed the logic and accuracy testing, which is designed to ensure that the equipment is ready to use and can be expected to function correctly during the election.

Election officials took measures to ensure that the testing processes were accessible and comprehensible to individuals who came to observe. Officials provided handouts on the process and made staff available to field any questions posed by party representatives or members of the public. Such transparency measures are vital to helping the public accurately assess whether they can trust that elections will be secure and fair.

Looking forward, The Carter Center encourages counties to consider taking measures beyond those required by law to raise awareness of this important opportunity for the public to learn more about the conduct of elections in Arizona. To this end, it is important that counties provide public notice of the testing time and location at least 48 hours in advance, in accordance with state statute. In addition, public notice could be provided in multiple languages, particularly in those counties that are covered by Section 203 of the Voting Rights Act. In addition to the legally mandated publication in a newspaper of record for the county, notices also could be publicized on county websites or other locations where they might be more accessible to the public. Signs outside county offices indicating where testing will take place might also make it easier for members of the public to attend.

Nonpartisan Election Observation Methods¹

As a pilot program to provide increased public oversight of the election process, and in line with which grants members

of the public the right to observe logic and accuracy testing — The Carter Center mobilized impartial citizen observers to monitor the process in nine counties: Apache, Cochise, Coconino, Graham, La Paz, Maricopa, Navajo, Pima, and Pinal. Observers used a standardized checklist of questions about the process and the conduct of key stakeholders to structure their observations. Although Carter Center observers were able to cover only nine of 15 counties during this pilot

location in a timely manner in counties where such signs were provided and is a good practice that could be replicated.

The media was not present during testing in the majority of counties observed.⁴ Overall, public engagement with the logic and accuracy process was limited. In Apache, Cochise, Coconino, and Graham counties, one other member of the public⁵ was present to observe all or part of the testing. In Pinal and Maricopa counties, more than one additional member of the public was present during all or part of the testing. Coconino County and Maricopa County also livestreamed their logic and accuracy testing process for members of the public who wished to attend online. In La Paz, Navajo, and Pima counties, no other members of the public came to observe the testing.

Information Provision on the Logic and Accuracy (L&A) Process: In the majority of counties observed, state election officials proactively shared information about how the logic and accuracy testing process works by providing handouts on testing to any interested individuals who attended testing.⁶ They also made themselves available to answer questions posed by the party observers, media, or other members of the public.

Multipartisan Nature of the Process: In the counties observed, the political parties played an active role in observing the logic and accuracy process, providing an important transparency measure. In eight out of nine counties observed, the Democratic Party mobilized at least one party observer to participate in the testing process. No Democratic Party observer was present in La Paz County. In eight out of nine counties observed, the Republican Party mobilized at least one party observer to participate in the testing process. In Pinal County, Carter Center observers did not note the presence of any officially appointed Republican Party observers. However, representatives from the county attorney's office watched the testing, and a local election official who is a registered Republican stood in for the party during the verification of zero tapes and test results. In Maricopa County, the party chairs for the Republican and Democratic parties both personally took part in logic and accuracy testing. Carter Center observers did not see any Libertarian party observers in the counties observed.

In all counties observed, election officials with diverse political registrations (Democratic, Independent, Libertarian, Republican, etc.) helped to carry out testing. This multipartisan approach to the conduct of testing, even where not statutorily mandated, is a good practice that could be replicated.

reports demonstrate that no votes have been cast on any of the voting equipment prior to the start of testing. Summary ballots from the accessible voting machines were also proofed to confirm that the correct candidate names and ballot initiatives appeared on the ballots. In La Paz and Maricopa counties, observers were unable to gather detailed information on accessible voting machine testing procedures, due in part to lack of proximity to testing. In every county observed, all accessible voting equipment ultimately passed the functionality testing.

Elections officials also tested central counting equipment, including equipment that uses optical or digital scanning technology to count ballots. In every county observed, this was done on the basis of a test script, or premarked set of ballots. In five out of nine counties observed, the test ballots were transported in a secure container. In Apache, Cochise, Pima, and La Paz counties, the observers were unable to gather this information. In all counties where Carter Center observers had sufficient access to verify the information, election officials tested test ballots that included write-in candidates and over-voted ballots. They also tested the out-stacking functionality of the central count equipment, or its ability to automatically sort out ballots that require additional human scrutiny to be properly adjudicated, such as those that are potentially over-voted or that include write-in candidates. At the end of testing, election officials generated a summary report and

- In Pinal County, a county ballot initiative included an error in translation in the Spanish language audio. Whereas the written translation read " 1/2," the audio translation, which is generated automatically by software that is unable to read special characters like the slash mark, instead read " 1 2." County election staff agreed that Spanish language interpreters should be available across the county to assist low-vision Spanish-speaking voters and that they would be stationed so that the nearest translator would never be more than 10 minutes away from any given voting location. Party observers present agreed to this solution.
- Also in Pinal County, staff noted that the order for candidates on the ballot for Congressional District 2 had been randomly rotated rather than following a fixed order. Given that all candidate names and parties appeared correctly on all ballots, and given the impossibility of reprinting all ballots so close to the start of early voting, county election staff proposed to consult with the county attorney on next steps while maintaining the ballots as-is. Party observers present requested that all affected candidates be given appropriate notice but otherwise agreed to this solution. Staff also identified an error during the testing of central count equipment whereby staff accidentally ran a batch of test ballots through the counting machine incorrectly. After identifying this error, staff successfully re-ran the tabulation exercise test, and the equipment passed logic and accuracy testing.
- In Maricopa County, an error for a candidate name occurred in the Spanish language audio translation of the ballot. Election staff reprogrammed all machines to correct this error. Testing then restarted from the beginning.