

# **Indiana Election Procedure Audits**

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## **Introduction**

Indiana Code 3-12-14 establishes a framework for conducting procedure audits of elections. The Secretary of State plays a central role, defining the scope, developing procedures, and supervising county election boards during the audits. Presently, audits can be triggered by investigations or recounts and cover various aspects of the election process. County election boards are responsible for conducting the audits according to the established procedures and reporting the results within 30 days. The Secretary of State is also authorized to develop training programs for election officials to ensure competency in carrying out these audits. For a variety of reasons, such as budget, the 2020 Covid Pandemic, and numerous transitions of Secretary of State office holders, a procedure audit has not been conducted in the state to date.

Beginning in the summer of 2024 I began thinking about the process and procedures needed to begin conducting procedure audits and reviewing how procedure audits are conducted in other states. As legislators began drafting bills last fall one of the legislative requests from our office was to make adjustments to the procedure audit language in code and to begin developing a plan to conduct the state's first procedure audit in the summer of 2025. Our office was able to get this language inserted into House Bill 1680 and it has begun moving through the legislative process.

One of the more significant changes is regarding the present code. The existing code allows county election boards to audit themselves. This would not be beneficial as an independent party is not involved. The legislation allows the Indiana Secretary of State's office to conduct the audit. Also, the present code is somewhat vague regarding the measurables and performance targets of a procedure audit. The new language in the bill would allow our office to

consult with experts such as VSTOP, election equipment vendors, and the election division to create a more robust audit implementation plan.

The overall intent of these changes is to shift the audit process from being initiated by investigations or recounts to a mandatory, random audit similar to the post-election audits. The legislation gives our office greater flexibility over the audit process, including county selection. I believe the legislation strengthens the overall framework for election procedure audits in Indiana, promoting greater transparency and accountability in election administration.

### **Project Goals**

The ultimate goal of conducting procedure audits is to ensure the integrity and security of our elections by verifying adherence to established election administration procedures, identifying areas for improvement, and promoting public confidence in the electoral process. Our office will work with a variety of stakeholders, including county clerks and election board members, to define the scope of procedure audits and what an audit may encompass.

There are several specific areas that I would like to consider for review during an audit process. I would like to verify the proper handling of voter registration applications and determine the verification of the voter's eligibility was followed. I would also like to apply the same verification process to the absentee ballot applications and ballots. Determining that signature verifications were conducted, and chain of custody protocols were followed. Electronic poll books and voting equipment should be another part of the audit process to determine the chain of custody security procedures were followed, and that poll workers and election staff properly used the equipment. Finally, I would like to review that election night reporting procedures were followed, and all provisional ballots were resolved and have documented reasons for why a provisional ballot was issued.

## **Methods**

Prior to initially pursuing amending existing code I discussed procedure audits with the state of Texas who had conducted their first procedure audit following the 2020 general election. They were able to suggest modifications to the existing code, which are reflected in the legislation, and provided their audit manual and audit findings. Election procedure audits are conducted in nearly two dozen states, and I reviewed the process of several other states including Mississippi and South Carolina.

Following passage of the bill I anticipate our office will begin reaching out to counties to volunteer and select as a pilot county for the first procedure audit. As we approach the first procedure audit I intend to develop, with consultation from VSTOP and election division, a formalized process to ensure there are systematically detailed instructions for how these audit areas will be conducted, reviewed, and evaluated. We will rely heavily on the experience of audits conducted in other states as the trial-and-error process of achieving election procedure audits becomes a standard practice following elections.

An audit team consisting of staff from our office and VSTOP will document the process of these audits for the purpose of highlighting the best practices and for the potential of any findings. The intent would obviously not be to humiliate election staff by finding discrepancies or inconsistencies, but to encourage and promote compliance with state and federal law and to highlight areas of best practice.

Finally, similar to how post-election reports are compiled, a comprehensive report will be prepared summarizing the audit that will recommend areas of improvement, if any, and promote adherence to election compliance laws. The report, and audit itself, will be another tool that both

the state and county officials can use to ensure the integrity, security, and transparency of our elections.

### **CEATS Principles & Tools**

This project utilizes a variety of CEATS principles and tools. However, the most important CEATS principles and tools related to this project are election integrity and security. The procedure audits would involve the physical aspect of election security and could incorporate a cybersecurity component if we were to include proper use of SVRS and user compliance of the SVRS VRAPSA standards.

Overall, the largest part of the election integrity and security piece is the chain of custody best practices as this is where the scope of most of the audit will be focused. A proper chain of custody procedures is vital to the election process. State law dictates security and chain of custody procedures and even permits counties to implement more stringent standards. The chain of custody controls and procedures ensures that all voting laws, ordinances, and regulations have been followed.

### **Conclusion**

I strongly believe Indiana is a model for election integrity. However, this does not mean there are no areas for improvement. Conducting procedure audits will enhance our election process and be a continuous improvement for both the state and counties to increase public confidence in our elections. Procedure audits will go hand in hand with our already successful post-election audits as another method to verify the accuracy, efficiency and integrity of our elections. Over a dozen states conduct procedure audits, and I look forward to partnering with a variety of stakeholders as our state begins conducting procedure audits later this summer.