THE CARTER CENTER

Livestreaming Ballot Tabulation: Guidance to Ensure Effective Transparency

Election officials across the country face increased public calls for greater electoral transparency. As a result, many election departments are considering providing or have already opted to provide livestreams of their ballot tabulation processes, so that any interested member of the public can watch as ballots are counted.[1] Several states go further by mandating livestreams.[2]

While such initiatives are important as a public show of commitment to transparent elections, the mere use of cameras may not suffice to increase public understanding of how elections are run and may not help citizens determine whether elections are safe and secure.

The Carter Center offers the following best practice recommendations to election officials who are considering adding or reinforcing livestreams of their ballot tabulation processes. Recommendations seek to help election officials implement ***effective transparency measures*** that increase public understanding of election procedures and safeguards.

1) **Election departments should think critically about how to use livestreams as tools for public education, providing viewers with context to understand what they are seeing.**

   - Signs large enough to be visible over the livestream could be used to identify the election equipment that is visible through the video frame as well as to _signpost the stages of ballot processing and counting_. For example, if ballots are manually adjudicated, a sign could indicate where the "Adjudication Board" is working. The Election Assistance Commission's *Communicating Election and Post-Election Processes Toolkit* (https://www.eac.gov/election-officials/communicating-election-and-post-election-processes-toolkit) may be a helpful point of departure.

   - In most states, tabulation is conducted and/or monitored by appointed multipartisan teams representing the major registered political parties (including, in some instances, independent or unaffiliated voters). Such multipartisan participation in the tabulation process serves as an important check against malfeasance. Where tabulation is conducted and/or monitored by multipartisan teams, election departments could consider purchasing colored vests, shirts or

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[1] Merelli, Annalisa. (2020, November 3). Watch ballots being counted live around the US. *Quartz.* https://qz.com/1926439/how-to-watch-2020-election-ballots-being-counted

[2] Since 2021, for example, any county in Texas with a population of 10,000 or more must livestream ballot tabulation. Security of Voted Ballots, Texas Election Code, Title 8. Voting Systems, Chapter 127. Processing Electronic Voting System Results, § 127.1232 (b) (2021). https://statutes.capitol.texas.gov/Docs/EL/htm/EL.127.HTM. Arizona also mandates live video recording of proceedings at the counting center in every county in the state. Proceedings at the counting center, Arizona Revised Statutes, Title 16. Elections and Electors, § 16-621 (D) (Accessed 16 June 2023). https://www.azleg.gov/ars/16/00621.htm.

caps that would be visible over a livestream and would *clearly indicate to viewers that tabulation is conducted with oversight from the major political parties*.

- Election departments could *produce short visual guides* to the tabulation process that could be shared through the same webpage as the livestream. Such guides could orient viewers to what they should expect to see, provide a basic understanding of how tabulation works in that particular electoral district, and outline any major safeguards that election departments have put in place to ensure an accurate count.

  - Election departments should provide specific guidance about *how vote totals are derived*, touching on how pre-processing, curing, and certification take place, as applicable, as well as on any specific procedures for early and absentee ballots. Such guidance should also clarify how the public can access official election results.

- Additionally, the website could include a layout of the room that explains to viewers what election equipment is in the room and its purpose. More expensive and resource-intensive solutions could include providing *closed-captioned commentary* to explain the ballot counting process and share real-time updates from the tabulation center. Furthermore, to ensure accessibility, closed-captioned commentary should be provided anytime audio commentary is planned as part of the livestream process.

2) **Local election officials should consider embedding a public schedule of dates and times when they expect to be tabulating ballots on the livestream webpage**. Explanatory text should clarify that outside of those times, members of the public can expect the video feed to show an empty room or to be switched off, depending on local practice. In the absence of such explanations, members of the public may misunderstand why video feeds have been switched off or are broadcasting only an empty room and may make unfounded assumptions about irregularities.

3) **Election departments should provide a point of contact for viewers who have concerns about what they are seeing on the livestream.**
Concerns raised that may reflect actual electoral irregularities can be escalated through appropriate channels. If viewers have instead misinterpreted what they have seen through the livestream, ongoing contact provides the election department with an opportunity to share additional context and address voters' concerns.

> Sacramento County in California encourages concerned voters to call the elections office. Election departments could also consider an online submission portal if they anticipate significant call volume that could disrupt normal business operations.

4) **Technical considerations about the number and positioning of livestream cameras could help to improve transparency but should be weighed against cost implications and the responsibility to safeguard both voters and election workers.**

- *Positioning livestream cameras so that a clock is visible in the camera frame* can help to demonstrate that the livestream feed is showing real date and time data and that the time stamp for the feed is synchronized to the time shown in the video footage.

- *Providing backup cameras or multiple viewing angles* of the tabulation room can help to ensure continuous video coverage in the event of a technical glitch or outage. Multiple viewing angles may also alleviate difficulties with viewers' being unable to fully witness proceedings, either because election workers' backs are to the cameras or because the layout of the room does not allow for a clear line of sight.

    - As election departments consider using additional cameras, *it is important to ensure that voter privacy is maintained at all times.* Cameras should not be positioned such that private individuals could access livestream footage and manipulate it to expose personally identifying information of voters. This will likely place some limitations on the granularity of detail that private citizens accessing livestreams will be able to view. Election departments may wish to cite relevant national and/or state privacy statutes to help viewers understand why, for example, livestream cameras may not be closely zoomed in.

    - Election workers are operating in an increasingly tense political environment in which threats and harassment have become commonplace. Election departments should *consult with their workers and with local security to manage any potential risks of providing livestreams*, such as facilitating the public exposure of temporary election workers' private information ("doxxing") or enabling external actors to determine when workers are entering or leaving the building.

5) **Election departments should be prepared to receive and process public records requests related to livestream footage.** They should develop appropriate procedures for securely storing the footage and should ensure that they can access technical support to extract and transfer footage in response to targeted requests for specific, time-bound footage. If the election department has preexisting internal procedures for responding to public records requests in accordance with relevant state law, these should be updated to include a protocol for responding to requests for video footage.

6) **Election departments operating in environments where there have been recurrent well-documented concerns about tabulation should consider complementing livestreams with additional transparency measures**, such as making complete and granular election results for each voting location available to the public. Nonpartisan election observation or independent procedural audits, to the extent that either is permitted under state and local law, may also serve to increase public confidence in the tabulation process.

    - Accredited nonpartisan election observers[3] — who focus on the integrity of the electoral process overall and not on the particular outcome — could provide independent commentary on the conduct of the tabulation process that is framed for a non-expert audience. Nonpartisan election observers should adhere to any codes of conduct and accreditation procedures for the jurisdiction to which political party or candidate observers

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[3] For additional background, please see The Bipartisan Policy Center's January 2022 report *Policy to Advance Good Faith Election Observation* https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2022/01/Policy-to-Advance-Good-Faith-Election-Observation-Bipartisan-Policy-Center.pdf and the joint report from the Alliance for Securing Democracy and The Carter Center *How More Robust Election Observation Could Help Save U.S. Elections* https://www.cartercenter.org/resources/pdfs/peace/democracy/how-more-robust-election-observation-could-help-save-us-elections.pdf

would also be subject. In addition, they should be bound by established norms for nonpartisan election observation, including but not limited to the following:[4]

- They must be impartial toward all candidates and outcomes and politically neutral. Additionally, they should be independent of government.

- They should not undertake an observation effort either on the presumption that the process is credible nor that it lacks credibility. They should be guided by their data and findings and should take steps to ensure — to the best of their ability — that those findings will not be used to legitimize clearly undemocratic processes nor to undermine legitimate democratic outcomes.

- Nonpartisan election observers should not themselves be candidates for any elected office to be contested nor related to any such candidates.

- Observers must be willing to follow all laws and election procedures on penalty of being denied further access to observe and their removal from the observation effort. Prior to mobilizing, they must attend a structured training on these laws and procedures.

- Nonpartisan election observers must agree to truthfully and accurately report what they see.

- Nonpartisan election observers must agree to refrain from interfering in the election process in any way; their role is solely to monitor the process and document their findings. During the course of their duties, they will not in any way harass or intimidate voters or election officials, attempt to influence voters or election officials, share false or misleading information about the election, nor attempt to touch or handle any of the election material or equipment.

- They should offer data-driven recommendations for electoral improvements, including recommendations that aim to remove impediments to full citizen participation in electoral and political processes. In making these recommendations, they should work constructively with election officials and government bodies without obstructing the electoral process.

- They have a responsibility to issue timely and accurate public reports and statements.

- Their efforts should be as comprehensive and systematic as possible. If they are not granted access to all voting locations, counting facilities, and other election-related facilities for a given election, they should publicly and transparently identify any restrictions in their public communications and note the impact that such restrictions have on their findings.

o Similarly, election departments could engage in multipartisan consultation with leadership of the major registered political parties to identify trusted independent experts who can carry

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[4] In articulating the principles below, The Carter Center has drawn heavily on the *Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations*, of which it is an international supporter. https://www.ndi.org/sites/default/files/DOGP-Citizen-Orgs-ENG.pdf

out a procedural audit of the tabulation process. Procedural audits are designed to assess the quality of the department's specific election procedures related to tabulation and the transmission of results and to identify any gaps in implementation. Procedural audits may be carried out alongside other types of post-election audits as defined by the Election Assistance Commission. These include traditional audits, which compare reported results from a predetermined number of ballots, precincts, or devices to a paper ballot record for accuracy; and risk-limiting audits, which rely on statistical sampling to reduce the probability that a post-election audit would fail to identify an incorrectly announced election outcome.

- Post-election audit practices vary considerably by state. Additional information can be obtained from the Election Assistance Commission in its 2021 publication *Post-Election Audits Across the United States:* https://www.eac.gov/sites/default/files/bestpractices/Election_Audits_Across_the_United_States.pdf

o Good faith nonpartisan election observation efforts and independent procedural audits would seek to assess the extent to which tabulation is safe, secure, and conducted in accordance with established election procedures and best practices. Key findings from such efforts should be made publicly available in a timely manner.

About The Carter Center

The Carter Center is one of the world's leading expert organizations in the practice of nonpartisan election observation. Founded by former U.S. President Jimmy Carter and his wife, Rosalynn Carter, The Carter Center has observed more than 100 elections in countries around the world and has advanced international norms and standards for the conduct of credible elections grounded in a human rights-based approach. Starting in 2020, The Carter Center began to expand its portfolio in the United States, exploring ways to integrate proven practices from its overseas work to decrease political polarization and improve election administration in a domestic context.

The above guidance is based on the findings of a pilot project organized in Arizona to observe the ballot tabulation process through the state's statutorily mandated livestream cameras between October 24 and November 28, 2022. The Carter Center crowdsourced 122 responses to a survey of questions about the tabulation process from 16 volunteers monitoring the livestreams in each of Arizona's 15 counties. Overall, The Carter Center found that observers had insufficient context and visibility to understand or assess tabulation procedures with any specificity over livestreams. Feedback from observers on ways the process could be improved repeatedly stressed the necessity of providing additional information to help viewers understand what they were seeing.[5]

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[5] Illustrative feedback from observers included, "Have explanatory text about what is happening in the different views"; "…have detailed explanations of what we are supposed to be seeing in each frame and what the process is. To a lay person like me it just looks like a person is opening envelopes [sic], and the other person is stacking ballots"; "Identify what is actually occurring in the video feed"; "…it would be helpful to have an explanation as this does not make sense if you don't have knowledge of the tabulation process"; "Some signs about what is happening in each area would be helpful"; and "Add some pointers as to what we SHOULD see and also what we should NOT be seeing… Educate!!"