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STATE BOARD *of* ELECTIONS

# BOARD MEETING

## Tuesday, October 6, 2015
## General Assembly Building
## Room D
## 2:00PM

SBE Board Working Papers

# STATE BOARD OF ELECTIONS
# AGENDA

***DATE: October 6, 2015***
***LOCATION: General Assembly Building, Room D***
***TIME: 2:00 p.m.***

| | |
|---|---|
| **I. CALL TO ORDER** | *James B. Alcorn*<br>*SBE Chair* |
| **II. APPROVAL OF MINUTES**<br>September 1, 2015 | *SBE Board Members* |
| **III. COMMISSIONER'S REPORT** | *Edgardo Cortés*<br>*ELECT Commissioner* |
| **IV. REPORT FROM LEGAL COUNSEL** | *Anna Birkenheier*<br>*SBE & ELECT*<br>*Legal Counsel* |
| **V. OLD BUSINESS** | |
| **A.** Recount & Hand Count Standards-Final Approval | *Edgardo Cortés*<br>*ELECT Commissioner* |
| **VI. NEW BUSINESS** | |
| **A.** Full-Time Requests | *Edgardo Cortés*<br>*ELECT Commissioner* |
| **B.** Pre-Election Update | *Edgardo Cortés*<br>*ELECT Commissioner* |
| **C.** Protocol for handling Campaign Finance Complaints | *Brooks Braun*<br>*ELECT Policy Analyst* |

**VII. OTHER BUSINESS & PUBLIC COMMENT**
**Next SBE Meeting-November 3, 2015 @ 8am**
**VIII. ADJOURNMENT**

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# Call to Order

BOARD WORKING PAPERS

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# Minutes Approval
# September 1, 2015

BOARD WORKING PAPERS
SBE Board Members

MINUTES

The State Board of Elections Board Meeting was held on Tuesday, September 1, 2015. The meeting was held in the General Assembly Building, Richmond, Virginia – Room C. In attendance, representing the State Board of Elections (SBE) was James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary. Also in attendance, representing the Department of Elections (ELECT) was Edgardo Cortés, Commissioner; Elizabeth Howard, Deputy Commissioner; Susan Lee, Director of Compliance and Administration; Gary Fox, Supervisor; and Rose Mansfield, Clerk. Anna Birkenheier, Assistant Attorney General and Counsel to SBE and ELECT attended. Chairman Alcorn called the meeting to order at 2:00PM.

The first order of business was the approval of the Minutes from the State Board of Elections Board Meeting held on July 28, 2015. Chairman Alcorn identified a typographical error and reported to the clerk for amendment of the presented minutes. Secretary McAllister moved *that the minutes be adopted as amended.* Vice Chair Wheeler seconded the motion and the Board unanimously approved the Minutes.

The second order of business was the Commissioner Report. Commissioner Cortés stated that Board members were provided the Step-by-Step instructions for recounts. The instructions were reviewed by the ELECT team to reduce redundancy and increase the emphasis on machine readable paper ballots. A terminology section was added consistent with recent *Code* changes. The document includes Standard Operating Procedures for a recount scenario. Chairman Alcorn asked if the document required Board approval. Commissioner Cortés stated that it is to be the pleasure of the Board whether to formally adopt the operational document. Vice Chair Wheeler stated that a review of the suggested changes is required before releasing the document. Secretary McAllister repeated the sentiment and stated that a complete Board review would ensure transparency.

Commissioner Cortés stated that the electronic pollbook team will be traveling to different localities providing demonstrations on the electronic pollbook systems. ELECT has been working on an array of training materials subsequent to the annual training event as a result of the feedback that was received by the elections community.



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Additional on-line training is being developed for the Virginia Election and Registration System (VERIS) system. Commissioner Cortés reported that he and Matt Davis, ELECT CIO, will be attending the Voter Information Project Summit. Commissioner Cortés stated that absentee voting will start on September 18, 2015 for the November 2015, General Election.

The next order of business was the Electronic Pollbook Certification-Update provided by Susan Lee, Director of Compliance & Administration. Ms. Lee stated that there are three electronic pollbook systems that require certification in the Commonwealth. These systems are the newer generation of pollbooks and utilize wireless communication. Ms. Lee explained the benefits of utilizing this system and the value to the general registrar's office. Ms. Lee added that wireless communication devices are not risk free. Ms. Lee stated that the three systems were piloted in a recent special election. Ms. Lee explained that during the testing one of the pollbooks systems experienced issues. Ms. Lee stated that ELECT reviewed the situation and initiated additional testing through Virginia Information Technologies Agency (VITA). The recommendation from VITA and ELECT area specialists is that additional testing be conducted on the electronic pollbooks to include a vulnerability scan.

Chairman Alcorn asked about the time-line for the certification process. Ms. Lee responded that VITA stated that testing could conclude in two weeks. Mike Watson, VITA Representative approached the podium. Mr. Watson stated that the two week testing period was a reasonable expectation. Mr. Watson explained the process of testing. Secretary McAllister asked about the resources required to test the equipment and whose budget would the testing impact. Mr. Watson explained that the agencies work together and share resources. Secretary McAllister noted concern that the testing would be complete prior to the Board's next meeting. Commissioner Cortés stated that the Commonwealth would be a leader in vulnerability and penetration testing for electronic pollbooks and the standards being utilized are the established Commonwealth's standards and those standards have been provided to the vendors.

Vice Chair Wheeler stated that caution should be utilized when introducing wireless devices to the election process. Mr. Watson stated that the testing that VITA will conduct will provide a reasonable level of assurance. Ms. Lee stated that after VITA



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conducts the initial phase of testing there may be a need to conduct additional testing. Chairman Alcorn stated that SBE Board members would like to move forward with the testing of the electronic pollbooks utilizing caution. Chairman Alcorn requested an update at the next Board meeting.

The next order of business was the SB11 Workgroup appointments presented by Commissioner Cortés. Commissioner Cortés stated that the agency has had a request to add Alex Blackmore as a substitute for Jeremy Epstein, Verified Voting, in the event that he is not able to attend the workgroup meetings. The Chief Information Officer (CIO) for the Commonwealth, Nelson Moe, will replace the outgoing CIO. Vice Chair Wheeler moved *that Mr. Moe and Mr. Blackmore be added to the membership of the SB11 Workgroup as members.* Secretary McAllister seconded the motion and without public comment the Board unanimously approved the motion.

The first order of business under "New Business" was the Voting Systems-Halifax County presented by Gary Fox, ELECT Supervisor. Mr. Fox stated that ELECT received a request from Halifax County to utilize the Unisyn OpenElect version 1.3 optical scan voting system in their Central Absentee Precinct (CAP) during the November 2015, General Election. The Board certified this equipment at the June, 2015 Board meeting. Vice Chair Wheeler moved *the Board approve the experimental use of the Unisyn OpenElect version 1.3 optical scan voting system in Halifax County in their CAP for the November 3, 2015 General Election.* Secretary McAllister seconded the motion and without public comment the Board unanimously approved the motion.

The next order of business was the Recount Documents presented by Elizabeth Howard, ELECT Deputy Commissioner. Ms. Howard stated that Virginia *Code* §24.2-802 requires the Board to promulgate standards in the form of a document titled Ballot Examples, Hand Counting Printed Ballots for Virginia Elections or Recounts to ensure the accurate determination of the votes. Ms. Howard provided examples of pictograms which reflected possible scenarios of ballots where the voters' intent may come in question. Ms. Howard noted that some of the suggested changes are for increased readability i.e. increased font size. Ms. Howard asked that the Board members consider the information and examples provided, regarding recount documents, for adoption at the next Board meeting. Board members inquired about the particulars of the examples



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provided in the recount documents packet. Commissioner Cortés stated that in the June 2015, primary several localities had to utilize paper ballots and it became apparent that the presented document required revisions and updates. Chairman Alcorn stated that the organizations that conduct recounts should be contacted for their input. Chairman Alcorn asked if there were additional questions and there were none.

The next order of business was the Other Business and Public Comment period. General Public comment was received by the Board.

The next order of business was the Legal Report presented by Anna Birkenheier, Assistant Attorney General and SBE Counsel. Ms. Birkenheier stated that in the case Marcellus *v.* the State Board of Elections, that challenges the inclusion of party indicators on the ballot only for candidates for federal, statewide, General Assembly office, a status conference was conducted with the presiding federal judge and a hearing on the Plaintiffs' motion for a preliminary injunction will be conducted on September 3, 2015. Ms. Birkenheier stated that in the case Adams *v.* the State Board of Elections, that challenges the constitutionality of § 24.2-509, which permits incumbents to select the method of nomination, has been appealed to the Fourth Circuit Court and SBE counsel is awaiting further instruction from the court. Ms. Birkenheier request a closed session to discuss specific legal matters.

Chairman Alcorn moved *that the SBE Board close the meeting to discuss specific legal matters requiring the provision of legal advice by legal counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia.* Vice Chair Wheeler seconded the motion and without public comment the Board unanimously approved the motion. Chairman Alcorn directed Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary; Anna Birkenheier, Assistant Attorney General and SBE Counsel; Joshua Heslinga, Assistant Attorney General; Commissioner Cortés and Deputy Commissioner Howard to remain with the Board during the closed session. The Board went into Executive Session at 3:25PM.

At 3:45PM Chairman Alcorn *moved to reconvene in open session and a roll call vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously certifying that during the closed meeting (i) only public business matters lawfully exempted from open meeting requirements under this chapter, and (ii) only such public*



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*business matters as were identified in the motion by which the closed meeting was concerned were heard, were discussed or considered.* Vice Chair Wheeler seconded the motion and the Board unanimously approved the motion. Ms. Mansfield performed the roll call vote and all Board Members approved the motion.

Secretary McAllister moved *that the Board adjourn*. Vice Chair Wheeler seconded the motion and without further comment the Board voted unanimously to adjourn. The meeting was adjourned at approximately 4:20PM.

The Board shall reconvene on October 6, 2015 at 2:00PM in the Washington Building, 1100 Bank Street, Room B27, Richmond, Virginia 23219.

_____

Secretary

_____

Chair

_____

Vice Chair

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# Commissioner's Report

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Edgardo Cortés
Commissioner
Department of Elections

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# Legal Report

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Anna Birkenheier
Assistant Attorney General

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# Old Business

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# Recount & Handcount Standards Final Approval

BOARD WORKING PAPERS
Edgardo Cortés
ELECT Commissioner

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# Recount Standards

BOARD WORKING PAPERS
Edgardo Cortés
ELECT Commissioner

**Table of nonsubstantive revisions to Recount Step by Step Instructions and related forms**

**Edited:**

Recount Step By Step Instructions FINAL
Recount Step By Step Instructions TRACKED CHANGES
Recount Precinct Results SBE-802-PR FINAL
Recount Precinct Results SBE-802-PR CURRENT
Recount Certification County or City Results by Precinct SBE-802-LS FINAL
Recount Certification County or City Results by Precinct SBE-802-LS TRACKED CHANGES

**Informational:**

Certification of Recount Form (SBE 802-CC)
Manual Precinct Tally Sheet Rev 802-MA
Challenged Ballots 802-CB
Reimbursement Recount Official or Alternate 802-F

**Summary of Changes to Recount Step By Step Instructions**

1. Multiple edits to reduce redundancy, cure anachronisms, and create internal organization throughout the document.
2. Addition of "Terminology" section addressing the consistent usage of terms and edited all terms throughout the document to coincide.
3. Included full explanation of difference between manually counted machine-readable ballots and paper ballots
4. Re-ordered the sections regarding DRE ballots to coincide with the 802-PR order..
5. Clearly outlined parties involved in the state-level recount procedure and documented their recount procedures in an outline form

**Summary of Changes to Recount Precinct Results SBE-802-PR**

1. General reorganization of individual table cells to improve clarity
2. Reordered the document so that oath was forefront and scanner ballots are addressed prior to DRE ballots
3. Updated terminology
4. Added line number designations to both sides of each row of tables
5. Vertical columns within Table C are designated with Roman numerals instead of A, B, C, and D to avoid confusion.
6. Reworded row C7 to focus on overvotes.
7. Included cells in Part D to clearly show the total within cell C10

**Summary of Changes to Recount Certification County or City Results by Precinct SBE-802-LS**

1. Removed superfluous "Provisional Ballot Precinct" and CAP from pages 2 – 4

# Virginia Election Recounts
## Step-by-Step Instructions

Includes:

- Overview of Recounts and Contests
- Preparations for the Recount
- Precinct Instructions for Recount Coordinators and Officials-All Voting Systems
- Suggested Steps for the Court's Review and Compilation of Recount Results
- After the Recount

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**A Message to General Registrars and Electoral Board Members**

*Please carefully review this document as soon as you know that a recount is possible in one of your elections. Also provide a copy to your local Clerk of Court. These instructions accompany the* ***RECOUNT PRECINCT RESULTS For All Voting Systems*** *(form SBE-802-PR )*

*If you have any questions about this information, please do not hesitate to contact a Department of Elections policy analyst.*

## Overview -- Election Recounts and Contests

### Recounts

A recount is a simple redetermination (retabulation) of all of the votes cast on Election Day. Recount officials only count the ballots that were previously cast. A voter's eligibility to vote or any alleged irregularities cannot be called into question during a recount (only in a contest, see below).

In Virginia, there are no automatic recounts. Only an apparent losing candidate can ask for a recount, and only if the difference between the apparent winning candidate and that apparent losing candidate is not more than one percent (1%) of the total votes cast for those two candidates.

As of 2009, a losing candidate may request a recount if the difference is not more than five percent (5%) of the total votes cast for those two candidates if one of those candidates was a write-in candidate for that office. (§ 24.2-800, Code of Virginia)

The apparent losing candidate cannot request a recount until after the election is certified. (§ 24.2-801) The Department of Elections certifies primary and election results for all federal offices (Presidential Electors, U.S. Senate, and U.S. Congress), state offices (Governor, Lt. Governor, and Attorney General and General Assembly seats) and any offices shared by two or more localities.

An apparent losing candidate requesting a recount of a primary or general election for statewide office files the petition requesting a recount with the Circuit Court of the City of Richmond. A candidate requesting a recount for any other office files the recount petition with the Circuit Court where the candidate being challenged resides.

Local electoral boards certify all other election results for local offices. Each electoral board meets in the days following the election to canvass and certify these results. To request a recount, an apparent losing candidate for a local election must file a petition for a recount with the Circuit Court where the challenged candidate resides within ten days after the electoral board certifies the election results. Any local candidate seeking a recount should

check with their local general registrar or electoral board to determine the actual date of certification for these local offices.

The Chief Judge of the Circuit Court where the recount petition was filed and two other judges appointed by the Chief Justice of Supreme Court of Virginia make up the recount court. The recount court, outlines all procedures and the manner in which the recount will be conducted for each type of voting equipment used (pursuant to § 24.2-802 of the Code of Virginia).

The recount court appoints recount officials from among the officers of election who served in the locality during the election. These recount officials are appointed to represent the respective parties to the recount. In setting the procedures for the recount, the court will also decide if the actual recounting of votes cast will take place in the various localities or in a central location. After all of the votes cast are recounted, the court will certify the candidate with the most votes as the winner.

The counties and cities involved in a recount are responsible for paying their own costs for the recount if the margin between the two candidates who are parties to the recount is one-half percent or less, or if the candidate requesting the recount is declared the winner by the recount court. Otherwise, the candidate who requested the recount must pay the costs for conducting the recount. Any candidate requesting a recount who may be assessed with costs shall post a bond with surety with the court in the amount of $10 per precinct in the area subject to the recount. (More information about recount costs is available in § 24.2-802(E) and (F) of the Code of Virginia).

Because of the federal deadline for the seating of the state's presidential electors, Virginia law provides an accelerated schedule for any recount of such election (see § 24.2-801.1). The presidential candidate represents the vice presidential candidate and the candidates for electors (§ 24.2-800). The deadline for filing of notice of intent to contest is 5:00 PM on the second calendar day following certification of the election by the Department of Elections. The recount "shall be held promptly" and must be concluded at least six days before the time fixed for the convening of the electors. If a *contest* of an election for Virginia's presidential electors is also filed, they would proceed simultaneously (§ 24.2-805).

## Contests

An unsuccessful candidate in the election may file a notice of intent to contest the election. The notice must state the grounds for the contest, which must include one of the following:

- (i) objections to the eligibility of the contestee based on specific allegations, OR
- (ii) objections to the conduct or results of the election accompanied by specific allegations which, if proven true, would have a probable impact on the outcome of the election, OR
- (iii) both.

Contests of elections for most offices in Virginia may be filed only within 30 days of the election or 10 days of the date of the primary or a special election held on a date other than that of a general election. A contest may also be filed after a recount under Va. Code § 24,2-814 within 10 days after the recount court's order declaring a winner under Va. Code § 24.2-802(D).

If a recount has been held for an election to the House of Delegates, State Senate, Governor, Lieutenant Governor, or Attorney General, the apparent losing candidate for that

office who also loses the recount has until 3 days after the conclusion of the recount (or 30 days after Election Day, whichever date is later) to file notice of intent to contest. A candidate who was originally declared the winner and loses as a result of a recount may file notice of intent to contest the election within 10 days following the conclusion of the recount.

In elections for a Member of the U.S. Senate or U.S House of Representatives, Article I, section 5 of the U.S. Constitution provides that "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members." Article IV, section 7 of the Virginia Constitution has a nearly identical provision. Virginia Code § 24.2-803 requires that contests for elections of General Assembly members must be filed with the respective clerks for decision by the affected body.

To contest an election for the House of Representatives, a notice of intent to contest the election must be filed with the Clerk within 30 days after the result of the election has been certified by the Department of Elections, or if there is a recount, within 30 days after the recount court certifies the election result. (2 USC Chapter 12, particularly Sections 384 and 392)

The contestant "would have to formally petition the U.S. Senate for a probe into the election, and the Rules Committee has broad authority to investigate election cases, including conducting its own recount. The Rules panel, however, would have to vote to begin the inquiry, and historically, those probes have taken months if not years to complete. Any findings — such as whether an election was legitimate — would be forwarded to the full Senate with a recommendation on what, if any, action to take, which the Senate could then decide whether to take up."[1] A deadline for filing such a contest is not stated in federal law.[2]

As with recounts of elections for presidential electors, Virginia law provides an accelerated schedule for any contests of such presidential elections as well. The presidential candidate represents the vice presidential candidate and the candidates for electors (§ 24.2-807). The deadline for filing of the notice of intent to contest is 5:00 PM on the second calendar day following certification of the election by the Department of Elections. The contest "shall not wait upon the results of any recount" and must be concluded at least 6 days before the time fixed for the convening of the electors (§ 24.2-805). Any recount or contest for an election for presidential electors would proceed simultaneously.

| *Office* | *Notice of intent to contest is filed with* |
|---|---|
| Election of Presidential Electors | Circuit Court, City of Richmond |
| Primary for U.S. Senate or Statewide Office | Circuit Court, City of Richmond |
| Presidential Primary | No contest provisions in Code of Virginia |

[1] David M. Drucker & Emily Pierce, *"Democrats May Join Minnesota Fray,"* Roll Call, 12/8/08
[2] In the event of a U.S. Senate recount in Virginia, Department of Elections would ask the Parliamentarian of the Senate (through the state's other Senator(s)) if the rules at that time specify a deadline for filing a contest after the conclusion of a recount.

| | |
|---|---|
| Election for Governor, Lt. Governor or Attorney General | Clerk of the House of Delegates |
| Election for House of Delegates | Clerk of the House of Delegates |
| Election for State Senate | Clerk of the State Senate |
| Primary for U.S. House of Representatives, House of Delegates or State Senate | Circuit Court where challenged candidate resides |
| Primary or Election for any county, city, town or district office | Circuit Court where challenged candidate resides |

## Persons Involved in the Recount

Electoral Boards – Give court and parties a list of all Officers of Election who served in the last election, with their party affiliations, etc. One electoral board member representing each party will be selected by the Recount Court to serve as one of the pair of ***Recount Coordinators*** for the locality.

Recount Officials – Each candidate or petitioner and governing body/chief executive officer (in the case of a referendum) involved in the recount may select an equal number of officers of election to serve as recount officials. Recount officials have the duty of counting the ballots, or redetermining the vote (if DREs). Recount officials will work in groups or pairs with the parties to the recount being equally represented.

Registrars – Permit parties to make copies of statements of results, machine tapes, printed return sheets, pollbooks (whether paper or in electronic format), and abstract of votes (original and corrected) for the election at issue, etc.

Recount Court – Upon receipt of the petition for recount, the Chief Judge of the court in which it was filed must alert the Chief Justice of the Virginia Supreme Court, who will thereafter appoint two judges to serve on the Recount Court. These three judges will constitute the Recount Court. The Recount Court will determine the procedures to be followed during the recount, what information will be accessible to the parties, and for which candidate, if any, a challenged ballot should be counted.
Clerks of Court – Secure election materials and certify security to recount court; be present and administer oaths on the day of the recount; deliver election materials to State Police after the recount for delivery to the Court.

Clerk of Recount Court – In addition to duties of all clerks (above), summons Recount Officials and is present at all hearings of the Recount Court.

Candidates – May be present. They are responsible for selecting which officers of election will serve as the recount officials representing their interest, based on the number established by the Recount Court. They may also send one authorized representative per team of recount officials to observe the process.

# Preparations for the Recount

## Department of Elections, General Registrar(s), and Electoral Board Members

The Department of Elections' Standards for Recounts in Virginia Elections (and accompanying Ballot Examples) provides details and guidance to help carry out Virginia's recount laws (§§ 24.2-800 - 24.2-802). The Code of Virginia directs:

> A. The Department of Elections shall promulgate standards for (i) the proper handling and security of voting and counting devices, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the counting device and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with Department of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.
>
> The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting devices in use in the election district. (§ 24.2-802)

As soon as it appears that a recount in a local, district, or state election may be possible, the General Registrar and Electoral Board Members from the impacted locality(ies) must begin making preparations.

Electoral Boards should first create a list of names of officers of election who served in the precincts subject to the recount. The political parties involved in the recount need this list to appoint *recount officials* from this group of officers of election. The number of recount officials necessary will be determined by the Recount Court.

General registrars should also begin assembling all appropriate forms for conducting the recount and ensure that these forms are delivered to the Recount Coordinators.

## Duties of Clerk(s) of Court

Section § 24.2-802 of the Code of Virginia directs the Clerks of Court in a jurisdiction where there may be a recount to secure the ballots and election materials until the recount. This should be done under normal circumstances, but it is added into the recount laws for emphasis. Also, the Clerk is required to certify to the chief judge in the recount, as directed, that the proper security measures have been taken.

In preparation for the recount, the clerks of the circuit courts shall (a) secure all printed ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge. (§ 24.2-802(A))

## Duties of the Chief Judge of the Recount Court

The Chief Judge must hold a preliminary hearing within 7 calendar days of the petition for recount unless the recount is requested for a presidential election, in which case it must be held within 5 calendar days. The Chief Judge will rule on motions and establish rules of procedure during the preliminary hearing, but such decisions are subject to review by the full Recount Court. The security measures adopted to secure materials after Election Day, and those going forward must be examined and established by the Chief Judge. The Chief Judge may also allow parties to examine election materials. The Chief Judge may also set the locations for the recount and may order the delivery of election materials to a central location, but such action is subject to review by the full Recount Court.

## Duties of the Recount Court

Once established, the Recount Court will hold a hearing. All motions and rules of procedure shall be finalized at this hearing. The parties (or their counsel) shall meet and confer and submit a proposed "Recount Procedural Order" and eventual "Final Order" for consideration by the three-judge Recount Court. If the parties do not agree, they will file competing legal memoranda and proposed orders. The Recount Court will also allow parties to the recount to select an equal number of officers of election to be Recount Officials. The date for submissions will be included in the Preliminary Order by the Recount Court.

The three-judge Recount Court shall supervise the recount and redetermination of the vote, with assistance from the Department of Elections and the local electoral boards.

## Terminology

Throughout this document the terms "machine-readable ballot," "paper ballot," and "printed ballot" are used to describe physical ballots. The usage of terms is consistent with the definitions provided in Va Code § 24.2-101:

"*Machine-readable ballot*" means a tangible ballot that is marked by a voter or by a system or device operated by a voter and then fed into and scanned by a counting machine capable of reading ballots and tabulating results;

"*Paper ballot*" means a tangible ballot that is marked by a voter and then manually counted; and

"*Printed ballot*" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

A ballot's designation is based on ***how it was counted on election day.*** A machine-readable ballot that is manually counted during the recount should not be tallied as a *paper ballot* upon the recount paperwork.

The terms "ballot scanner machine," "ballot scanner," and "scanner" are used interchangeably throughout this document and within the recount forms.

# "Part One" - Recount Day in the City or County

## Check in and Logistics

The offices or other facilities for the recount will be provided or arranged by the Clerks of Court and shall be of sufficient size for the purposes of the recount and shall allow for direct and proximate observation of the recount officials by the recount observers.
All participants at the recount, whether as officials or observers, should check in with the Clerk of Court, and a record should be kept of all attendees.

## Precinct Instructions for Recount Coordinators & Officials - All Voting Systems

Use appropriate instructions for <u>any</u> combination of

- ✓ MACHINE-READABLE BALLOTS AND BALLOT SCANNER MACHINES
- ✓ DIRECT RECORDING ELECTRONIC (DRE) MACHINE PRINTOUTS
- ✓ PAPER BALLOTS

Each Recount Team will complete <u>one precinct at a time</u>, under the supervision of Recount Coordinators.

### <u>Materials</u>

A copy of each of these instructions (SBE-802-SBS, this entire document) should have been provided previously to each Recount Coordinator and to the Clerk of Court.

The Recount Coordinators should have already provided a copy of the following to each Recount Official during training for the recount:

- The full section of this document titled "Part One" - Recount Day in the City or County" which includes the Precinct Instructions
- A <u>sample</u> copy of SBE-802-PR - Recount Precinct Results for All Voting Systems
- A copy of the Ballot Examples for Hand Counting Printed Ballots for Virginia Elections or Recounts

The following materials prepared for the recount must be provided for <u>each precinct</u>:

- **SBE-802-PR - Recount Precinct Results for All Voting Systems** (1 set per precinct. If no DRE was used in the precinct, the two pages with Parts B-1 through B-3 should not be provided to the Recount Officials. The other four pages will be used for all precincts.)
- **SBE-802-CB - Challenged Ballot Forms** (4 per page; multiple copies may be needed)
- **Challenged Ballots envelope** (have one per precinct on hand)
- **SBE-802-MA - Precinct Manual Tally Sheet** (an optional form that can be used when hand counting printed ballots) (4 or more copies per precinct recommended, to keep paper and machine-readable ballot counts separate, and so each officer can

prepare tally while other officer counts ballots)

- **The memory card, cartridge, or other data storage medium (one per precinct)** that has been prepared especially for the recount if machine-readable ballots are to be rerun through a tabulator during the recount.
  - It is recommended that the prepared cards, cartridges, or media be placed in the custody of the Clerk, to be released to the Recount Coordinators one precinct at a time with the other materials below.

The following materials will be released by the Clerk of Court to a Recount Coordinator upon request, one precinct at a time. The Coordinator will deliver them to the Recount Team that will recount that precinct.

- **Envelope #2** containing the
  - **POLLBOOKS and POLLBOOK COUNT Forms (all divisions)** (if paper pollbooks were used),
  - one copy of the **Statement of Results with machine tapes attached** (General Registrar will have the second copy, available for public inspection, after the canvass),
  - **Write-Ins Certification** (if cast on printed ballots or voting systems that do not include the names written-in and votes cast for each), and
  - **Incident Report**
- **Box/Envelope #3** containing the **COUNTED BALLOTS** (Envelope 3 may be combined with Envelope 5 so as to also contain outside poll envelopes).

And the following envelopes if used in the election:

- **Envelope #7B** containing the voting equipment keys for scanners and DRE dial/touchscreen voting systems
- **Envelope #7/7C** containing the voting equipment keys and memory cartridges for AVC Advantage DRE equipment and the data storage units and seals for scanners and DRE dial/touch screen equipment;

**If Machine-readable ballots are to be rerun through a tabulator during the recount**

- **The memory card, cartridge, or other data storage medium** that will be used for the precinct, and has been prepared specifically for the recount.
  - It is programmed to count, as required by law, only the votes cast for the office or issue in question in the recount and to <u>set aside all ballots containing write-in votes, overvotes, and undervotes for that office or issue for hand counting</u>.
  - (If the card, cartridge, or medium could not be reprogrammed as required by the recount law, all machine-readable ballots for the precinct will be hand counted by the recount team.)
- <u>One</u> **memory card, cartridge, or other data storage medium** <u>for each precinct</u> will be used to recount the ballots cast at the polling places in the district (including absentee ballots if counted at the precincts).
- If a Central Absentee Precinct (CAP) was used, one **memory card, cartridge, or other data storage medium** will be used to count the machine-readable ballots of absentee voters whose ballots were originally handled by the tabulator for the CAP.
- NOTE: The **memory card, cartridge, or other data storage medium** used in the precinct (or Central Absentee Precinct) on Election Day to count machine-readable ballots will remain sealed and in the custody of the Clerk. <u>*It should not be needed during the recount*</u>.

- (Counted provisional votes, even if voted on machine-readable ballots, were originally hand counted by the electoral board and will be treated in the recount as paper ballots. Provisional Ballots will be counted as a separate precinct, which is the same manner in which they were originally counted after Election Day).

## General Instructions

The Recount Officials will be divided into teams consisting of equal representatives for each party. Teams will be tasked with recounting printed ballots or redetermining votes cast on DREs. At least one team will insert ballots into electronic counting devices programmed to count only those votes cast for parties to the recount or for or against the question in a referendum recount.

There are only two Recount Coordinators appointed per locality. One Coordinator may need to supervise multiple teams. Coordinators may offer advice to the Recount Officials.

The Recount Officials may either enter the required data on the Recount Precinct Results form or may read each total aloud to the Recount Coordinator who will enter it and read it back for verification by the Recount Officials. (Recount Officials must sign the first page, certifying the precinct results for each precinct that they recount.)

Only the Recount Officials may handle ballots. Recount Coordinators will deliver sealed election materials from the Clerk of Court, and return the resealed materials, one precinct at a time.

Each party to the recount (candidate) is allowed one observer per recount team. The observer may stand behind or sit to the outside of the Recount Officials as they work and may only watch and take notes. Observers must be close enough to see and hear what is happening. No observer may handle ballots, election materials, or recount materials. If an Observer has a question, it should be directed to the supervising Recount Coordinator -- not the Recount Officials -- without disturbing the proceedings.

Members of the news media and the general public may also be in the room, but are not allowed to handle any official materials or disturb the proceedings in any way.

Some suggested table layouts --

1.
```
Observer    Official    Official    Observer
[-------------------Table---------------------]
[-----------------------------------------------]
[-----------------------------------------------]
[-----------------------------------------------]
```

2.
```
                Official              Official
Observer   [------------Table----------]  Observer
           [----------------------------]
           [----------------------------]
```

3.

```
                          Official
                     [----Table-----]  Official
          Observer   [---------------]
                     [---------------]  Observer
                     [---------------]
```

For each precinct, the Recount Coordinators will ensure as the work progresses that the following data is entered on each form page as required work begins (if not previously entered):

1. The name of the county or city
2. The name/number of the precinct in which the election was conducted
3. The date of the election
4. The name of the office and the names of the two candidates involved in the recount (in the same order that they appeared on the ballot in the election)[3]

The Recount Coordinators will provide the necessary materials to the Recount Officials, <u>one precinct at a time</u>.

***<u>Instructions for the SBE-802-PR – Recount Precinct Results</u>***

- A highlighted line _____ indicates a number is to be filled in during this sequence of steps.
- A highlighted box with a hand and pencil means that this is a calculation.

<u>A note inside the field/data box</u> provides instructions or crosschecks:

- "Carry to C1(i)" means to copy that figure to line C1, Column (i) (Line numbers begin with the same letters as sections, so line C1 is in section C.)
- "Should = C1(ii)" is a crosscheck letting the official know that the numbers should be the same. (If not, the official should recheck data entry and math before going any further).
- "Line A2 Total" tells the source of the number for that box -- copy it from there.
- A <u>column</u> titled "calculation or source" identifies the math or source used to fill in the next column.
- And "=B4+B5" and "=B2-B3" are instructions to arrive at the calculated number.

| Part B - 2 – Certification of DRE Machine Results for Precinct | | Calculation or Source | VM-1 or Consolidation Tape[4] | VM-2 | VM-3 | VM-4 | VM-5 | VM-6 | Candidate Totals | |
|---|---|---|---|---|---|---|---|---|---|---|
| B3 | Candidate Name _____ ( ) | Machine Tape | | | | | | | Should = C4(ii) | B3 |
| B4 | Candidate Name _____ ( ) | Machine Tape | | | | | | | Should = C4(iii) | B4 |
| B5 | Total votes for both candidates on DRE(s) | = B3 + B4 | | | | | | | Should = C4(iv) | B5 |
| B6 | DRE ballots undervoted or voted for other candidates (this office) | = B2 - B5 | | | | | | | Carry to C8(iii) | B6 |

[3] If the recount is for a referendum, insert title of the question involved in the recount and its two separate responses, instead of the office and candidate names.

## A. Preparing for and Evaluating Machine-readable Ballots

### i. If Machine-readable ballots are to be rerun, prepare the ballot scanner machine.

1. Insert the **MEMORY CARD, CARTRIDGE, OR OTHER DATA STORAGE MEDIUM** for the precinct to be counted.

3. Turn the machine **ON.**

4. Produce a **ZERO** printout.

5. Verify that all totals on the **ZERO** printout, including the ballots cast, and the total on the Public Counter on the front of the machine read **0000.**

6. Record the **Serial Number** from this scanner in the **Recount Precinct Results, Part A, line A1** under **"Scanner 1."**

7. Read the number from the **Public Counter** aloud and enter it in the **Recount Precinct Results, Part A, line A3 ("Before Recount")** under **"Scanner 1."**

8. If two scanners are used, repeat steps 1-7, filling in under **"Scanner 2"** for steps 6 and 7.

9. Feed ballots.

### ii. Insert Machine-readable ballots for precinct into ballot scanner machines

1. Open **Box/Envelope #3** containing **COUNTED BALLOTS** for the precinct being counted.

2. As they are removed from the box/envelope, **set aside the paper ballots for separate hand counting** (face down); "Paper ballots" in a precinct that also uses ballot scanner machines may include:
   - traditional paper ballots
   - official reproductions of paper ballots or machine-readable ballots
   - ballots sent to military or overseas voters by email or fax and printed by the voters (if absentee ballots are counted in the precinct -- or if precinct being recounted is the CAP)
   - Federal Write-In Absentee Ballots (FWABs) from military or overseas voters (if absentee ballots are counted in the precinct -- or if precinct being recounted is the CAP). See 11.2.2010 Emergency Declaration of Secretary of Department of Elections.

   All paper ballots were originally counted by hand, and must be recounted by hand, separately from the machine-readable ballots.

3. Feed all **Machine-readable** ballots into the scanner without examination of any ballot.

4. If the scanner indicates that for the office being recounted the ballot was **overvoted or undervoted**, or the ballot contains a **write-in** vote for that office, it must be **separated out to be counted by hand**. The scanner should have been programmed to reject these ballots so that they can separately hand counted. If so, simply set that ballot aside (face down) for hand counting.

   If the machine is instead programmed to accept the **write-in** ballots, but automatically divert them into a separate "write-in" bin, do not include these ballots in the number provided on **Line A5** for *"Number of Manually Counted Machine-readable Ballots."* These ballots will be accounted for on paperwork in the total number of ballots scanned. The ballots ***must still be hand-counted*** the same as overvoted and undervoted ballots ***after separation***, but should not be accounted for twice on the paperwork.

| Part A - 2 – Certification of Precinct Manual Count | | Calculation or Source | Total | |
|---|---|---|---|---|
| A5 | Number of *Manually* Counted Machine-readable Ballots[2] | Count | Carry to C2(i) | A5 |

   If any **Machine-readable ballot** is so **damaged** that the counting device will not accept it, it must also be set aside for hand counting.

5. Both Recount Officials must verify that the **Box/Envelope #3** container is empty, that all **Machine-readable ballots** have been inserted in the scanner, and that all **paper ballots** have been **set aside** for separate hand counting.

6. Repeat steps 1 - 5 above for any additional **Box/Envelope #3** containers of **COUNTED BALLOTS** for that precinct.

## iii. Obtain results determined by the electronic counting device

1. When all Machine-readable ballots for the precinct have been inserted in the scanner, read the number from the **Public Counter** aloud and enter it in the **Recount Precinct Results, Part A, line A2** ("After Recount"). Subtract **line A3** from **line A2**, and enter it on the form in **line A4** (public counter difference).

   If two scanners are used, enter values for both **"Scanner 1"** and **"Scanner 2."** Then **add** the values for **"Scanner 1"** and **"Scanner 2"** on **line A2**, and enter the total on **line A2, under "Total (Scanner 1 + Scanner 2)." Repeat for lines A3 and A4.**

| Part A - 1 – Certification of Precinct Ballot Scanner Machine Counter | | Calculation or Source | Scanner 1 | Scanner 2[1] | Total (Scanner 1 + Scanner 2) | |
|---|---|---|---|---|---|---|
| A1 | Ballot Scanner Machine Serial Number (used to recount this precinct, if applicable) | From Machine | | | | A1 |
| A2 | Number on This Scanner's Public Counter – After Recount (if applicable) | Public Counter | | | | A2 |
| A3 | Number on This Scanner's Public Counter – Before Recount (if applicable) | Public Counter | | | | A3 |
| A4 | **Public Counter Difference** (Must Equal the Number of Ballots Read By the Scanner During Recount [From Tape]) | = A2 – A3 | | | Carry to C1(i) | A4 |

2. Run one printout to obtain the recount results for the precinct:

a) Produce the **FINAL RESULTS** tape.

b) Remove the **MACHINE-READABLE ballots** from the ballot compartments, return them to the **COUNTED BALLOTS** container(s), and seal it (them).

c) Remove the printout with **ZERO** report and the **FINAL RESULTS** intact.

3. **Record the data from the ballot scanner machine tape** on the **Recount Precinct Results** form:

a) Enter the **total Machine-readable ballots read** in **Part C, line C1, column (i). This number *must match*** the public counter difference previously entered in **Part A, line A4**. If the numbers do not match, first recheck the counter numbers and number of ballots entered on the form, and the math. If they still do not match, ask for the advice of the Recount Coordinator.

b) Read aloud the name of the first candidate involved in the recount and the number of votes cast for first candidate and enter the total in **line C1, column (ii),** double-checking that each number is copied to the column for the appropriate candidate.

c) Read aloud the name of the second candidate involved in the recount and the number of votes cast for the second candidate and enter the total in **line C1, column (iii),** double-checking that each number is copied to the column for the appropriate candidate.

d) Add together the number of machine-readable ballots counted by the scanner for **both** candidates and enter the total in **line C1, column (iv)**.

| **Part C - Certification of Official Ballots** | | | | | | |
|---|---|---|---|---|---|---|
| **VOTES CAST FOR CANDIDATES IN RECOUNT**<br>**IMPORTANT:**<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | | **(i)**<br>Total Number Voting | **(ii)**<br>Candidate Name<br>_____<br>_____<br>_____<br>( ) | **(iii)**<br>Candidate Name<br>_____<br>_____<br>_____<br>( ) | **(iv)**<br>Total Cast for Candidates<br>**(ii) + (iii)** | |
| **C1** | **Total Ballots Read by Ballot Scanner Machine in Recount** (From tape; when finished attach tape to back of page with Part A.) | **A4**<br>**Total =** _____ | | | | **C1** |

e) Enter the precinct code on the **BALLOT SCANNER MACHINE RECOUNT TAPE** and **staple it** to the back (behind the top right) of the **RECOUNT - PRECINCT RESULTS page containing Part A**. (See instructions at the top of that page.)

## iv. Hand count Machine-readable ballots previously set aside

Any Machine-readable ballots set aside from the steps above must be counted by hand.

A second team of Recount Officials may be used to count the ballots by hand.

1. Count **all** set aside **Machine-readable** ballots (preferably with the office being recounted face down) without examining how they were cast. When both officials agree on the total count, enter the total on the **Recount Precinct Results** in **Part A, line A5**. Enter the same total in **Part C, line C2, column (i)**.

   (Remember that write-in ballots *should not* be included in this number if the scanner accepted the ballots and diverted them to a separate write-in bin).

   (Remember that paper ballots must be counted separately. If any are found among the set aside Machine-readable ballots, put them with the other paper ballots.)

| | | | | |
|---|---|---|---|---|
| **A5** | Number of *Manually* Counted Machine-readable Ballots[2] | **Count** | Carry **to C2(i)** | **A5** |

2. Examine each of the **Machine-readable ballots** to be counted and separate them into the following stacks (refer to the ballot examples in the "Hand Counting Printed Ballots for Virginia Elections or Recounts" if there is any question about how to count a mark).

   During the sort, an official should lay each ballot face up on the table in the following stacks so that both officials and all observers can clearly see each ballot as it is sorted.

   (1) and (2) One stack each for ballots clearly voted for either candidate involved in the recount

   (3) Ballots either not voted for the office (undervoted) or not voted for candidates in the recount

   (4) Ballots clearly voided by the voter for the office per § 24.2-663 (overvoted or title of office erased)

   (5) Ballots challenged by either Recount Official (or the Officials cannot initially determine or agree how to count it)

   After the first sort, re-examine the ballots in stacks 1-4 to make sure that each ballot is in the appropriate stack.

   ***SBE-802-MA Precinct Manual Recount Tally Sheet*** is an optional form that may help Recount Officials when there are many ballots to hand count. If using it, complete the appropriate blanks/boxes at the top of the form and the candidates' names if not already completed. It covers each of the separate categories represented by the "stacks" and those counted/recorded in the procedures below. The final counts must still be recorded on the Recount Precinct Results form, as directed below.

   The basic procedure for manually counting each stack (separately, when directed to do so below) is:

   a. One Recount Official should count the ballots while the other closely observes.

b. Count the ballots by laying each ballot with the office being recounted face up on the table so that both officials and all observers can clearly see each ballot as it is counted.
c. Then the other official should count the same ballots while being closely observed by the first.
d. The official observing may use Department of Elections' Manual Recount Tally Sheet.
e. If the two officials do not arrive at the same number, repeat.

3. Re-examine all **Machine-readable ballots** in the "challenge" stack. Refer to the Ballot Examples. If the two Recount Officials agree on how to count the ballot, place the ballot in the appropriate other stack (1-4 above).

   If both Recount Officials cannot agree, or they cannot determine how or whether to count a ballot, at least one of them must officially "challenge" the ballot.

   a. For each challenged ballot, complete the form entitled **STATEMENT OF RECOUNT OFFICIAL - CHALLENGED BALLOT (SBE-802CB)**, setting forth the reason(s) for the challenge. The officer challenging must sign the form and attach it to the ballot. This ballot will go to the Recount Court for a decision.

   b. When all the ballots remaining in the "challenge" stack have been officially challenged, count the **Machine-readable ballots** being challenged and, when both officials agree on the number, enter total in **Part C, line C9, column (i)** of the **Recount Precinct Results** form.

   c. Place the signed challenged ballot statements and attached ballots in the **Challenged Ballots envelope** for the precinct, and enter the name/number of the precinct. DO NOT enter the number of challenged ballots on the envelope at this time. DO NOT SEAL IT at this time. Set the envelope containing **CHALLENGED BALLOTS** aside.

4. Count all **Machine-readable ballots** overvoted or voided and, when both officials agree on the count, enter total in **line C7, column (i)** of the Recount Precinct Results form. Return voided ballots to **Box/Envelope #3**.

5. Count all **Machine-readable ballots** not voted (undervoted) or not voted for candidates involved in the recount and, when both officials agree on the count, enter total in **line C8, column (i)**. Return these ballots to **Box/Envelope #3**.

| | | | | | | |
|---|---|---|---|---|---|---|
| **C7** | Overvoted Ballots (plus ballots otherwise *voided by Voter*) § 24.2-663 | Machine-readable | Paper | | C7(i) + C7(ii)= | **C7** |
| **C8** | Ballots Undervoted or Voted for Other Candidates | Machine-readable | Paper | DRE | C8(i) + C8(ii) + C8(iii) = | **C8** |
| **C9** | Challenged Ballots (enclosed in attached envelope) | Machine-readable | Paper | | C9(i) + C9(ii) = | **C9** |

6. Now count the **Machine-readable ballots** voted for each of the two candidates in the recount (stacks 1 & 2). Count one candidate's ballots at a time.

When both officials agree on the count, enter each count on **Line C3, in either Column (ii) or (iii), as appropriate** of the **Recount Precinct Results** form, double-checking that each count is listed under the appropriate candidate.

7. Add together the number of **Machine-readable ballots** voted for **both** candidates and enter the total in **line C2, column (iv)**.

| Part C - Certification of Official Ballots | | | | | |
|---|---|---|---|---|---|
| VOTES CAST FOR CANDIDATES IN RECOUNT<br>IMPORTANT:<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | (i)<br>Total Number Voting | (ii)<br>Candidate Name<br>( ) | (iii)<br>Candidate Name<br>( ) | (iv)<br>Total Cast for Candidates (ii) + (iii) | |
| C2 Total Machine-readable Ballots *Manually* Counted in Recount | A5<br>Total = | | | | C2 |

## B. Count the paper ballots

Take the paper ballots that were set aside as they were removed from **Box/Envelope #3** and **count the paper ballots** as follows.

If a second team of Recount Officials was used to count the Machine-readable ballots by hand, this second team should also count the paper ballots.

1. Count **all paper ballots** that have the office being recounted listed without examining how or whether the voter voted for the office. When both officials agree on the total number, enter the total in **Part C, line C3, column (i)** of the **Recount Precinct Results** form.

| | | (i)<br>Total Number Voting |
|---|---|---|
| C3 | Total Paper Ballots Counted in Recount | A6<br>Total = |

Enter the same number in **Part A, line A6.**

| | | | | |
|---|---|---|---|---|
| A6 | Number of Paper Ballots Counted in Recount[2]<br>(DOES NOT INCLUDE MANUALLY COUNTED MACHINE-READABLE BALLOTS) | Count | Carry to C3(i) [3] | A6 |

2. If the number entered in **Part A, line A6** is not the same as the numbers entered in A7 and A8, recount officials should explain the reasons for the difference -- as best they know or can determine -- on the reverse side of the page containing Part A. (For example, if the difference is due to X number of federal only ballots and the recount is for a state or local office.)

   (Recent recount court orders have required all the pollbooks and ballots for the precinct to be referred to the court if the number of paper ballots actually cast is not the same as the number of paper ballots indicated on the pollbook. The

Recount Coordinator should be immediately informed if the numbers are not the same, and will know if the court order in the current recount contains instructions regarding this matter.)

3. If the total number of **paper** ballots in **Part A, line A6** does not exceed the total number voting by paper ballot in **Part A, line A7**, enter ZERO (0) in **Part C, line C6, column (iv) (paper ballots drawn)**;

4. If the total number of **paper ballots** in **Part A, line A6** exceeds the total number voting on paper ballots in **Part A, line A7** and no error is found, first consult with your Recount Coordinator. Recent recount orders have directed that the materials be sent to the Recount Court in this situation, not drawn down. The Recount Coordinator will know if the court order in the current recount contains instructions regarding this matter. If the court order is silent on this situation, the following procedures must be followed (§ 24.2-662):

   a. Return all **paper ballots** to a container.

   b. Have one of the Recount Officials, blindfolded, draw out the number of **paper ballots** necessary to reduce the total number to the number reported voting on paper ballots.

   c. Mark the drawn **paper ballots** "**DRAWN AND NOT COUNTED**", and return them to **Box/Envelope #3**. Enter number drawn in **Part C, line C6, column (iv)**.

5. **To count the paper ballots, follow the same procedures described above in Section A under "iv. Hand count Machine-readable ballots previously set aside" with the differences below.** (The only difference for most of the "stacks" -- other than challenged ballots -- is where the information for the paper ballots is recorded on the Recount Precinct Results form.)

   a. Place the **signed, challenged ballot statements** and **attached paper ballots** in the **Challenged Ballots envelope** for the precinct, and enter the name/number of the precinct if not previously entered. Enter the total number of challenged ballots (machine-readable and paper) on the envelope and complete any other information required. **SEAL** the Challenged Ballots envelope. Set the envelope containing **CHALLENGED BALLOTS** aside.

      Enter the number of **challenged paper ballots** in Part C of the Recount Precinct Results form in **line C9, column (ii) (paper)**.

   b. Enter total number of **paper ballots overvoted or voided** in **line C7, column (ii)** of the Recount Precinct Results form. Return voided paper ballots to **Box/Envelope #3**.

   c. Enter the total number of **paper ballots** not voted or not voted for candidates involved in the recount in **line C8, column (ii)**. Return these paper ballots to **Box/Envelope #3**.

| | | (i) | (ii) | (iii) | (iv) | |
|---|---|---|---|---|---|---|
| C6 | | Paper Ballots Drawn (during recount) (§ 24.2-802) | | | | C6 |
| C7 | Overvoted Ballots (plus ballots otherwise voided by Voter) § 24.2-663 | Machine-readable | Paper | | C7(i) + C7(ii)= | C7 |
| C8 | Ballots Undervoted or Voted for Other Candidates | Machine-readable | Paper | DRE | C8(i) + C8(ii) + C8(iii) = | C8 |
| C9 | Challenged Ballots (enclosed in attached envelope) | Machine-readable | Paper | | C9(i) + C9(ii) = | C9 |
| C10 | | TOTAL [Add C5 through C9 in column (iv) **Should equal C5 column (i)** | | | Carry to D5 and D10 | C10 |

d. Now count the **paper** ballots voted for each of the two candidates in the recount (stacks 1 & 2). Count one candidate's ballots at a time.

When both officials agree on the count enter each count on **Line C3, in either Column (ii) or (iii), as appropriate** of the **Recount Precinct Results** form, double-checking that each count is listed under the appropriate candidate.

e. Add together the number of **Paper ballots** voted for **both** candidates and enter the total in **line C3, column (iv)**.

| Part C - Certification of Official Ballots | | | | | |
|---|---|---|---|---|---|
| VOTES CAST FOR CANDIDATES IN RECOUNT<br>IMPORTANT:<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | | (i)<br>Total Number Voting | (ii)<br>Candidate Name<br>( ) | (iii)<br>Candidate Name<br>( ) | (iv)<br>Total Cast for Candidates (ii) + (iii) |
| C3 | Total Paper Ballots Counted in Recount | A6<br>Total = | | | |

## C. One precinct at a time, Open Envelope #2; Record DRE Results

Open the **Envelope #2** and remove the *Statement of Results* with the attached **DRE** machine results printouts (tapes). Fold the *Statement of Results* back so only the *Consolidated* printout is visible. (If there is no *Consolidated* printout, or it does not include all DRE machines used in the precinct, see 1-e below.)

Both Recount Officials should examine the *Consolidated* printout for the precinct (also letting the observers see it clearly, but not handle it) and:

1. From that printout, enter the following information on the **SBE-802-PR -- Recount Precinct Results for All Voting Systems** form.

   a. In **Part B-1, DRE Voting Machines,** enter the number of votes recorded as voting on all machines (from Consolidation printout) under **VM-1 (voting machine 1), line B2**;

b. In **Part B-2, Certification of DRE Machine Results for Precinct**, enter the votes cast for each of the two candidates in the recount under **VM-1 (voting machine 1), lines B3 and B4**;

c. Enter the **serial number** of each machine from which results were added by the *Consolidation* machine in the blanks provided at the bottom of the page below Part B-2. ↓

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* If **consolidation tape** available, list total number of voters and results for recount candidates from consolidation tape under **VM-1 above** and **list all serial numbers for DREs included in the consolidation tape below**. If any DRE is not included in the consolidation tape, list the serial number and results for each such machine under VM-2, etc. Use additional copies of page if needed.

_____ _____ _____ _____ _____

If the Recount Officials have any doubt that the *Consolidated* printout includes the results from every DRE used in the precinct in the election, they should check the machine serial numbers on the *Consolidated* printout against the serial numbers listed on the back of **Envelope # 7/7C**. If any DRE used in the election is not listed on the *Consolidated* printout, follow steps under "e" below.

d. If the *Consolidated* printout is not clear, contact the Recount Coordinator and, if so advised by the Recount Coordinator, reprint the *Consolidated* printout if possible.

e. If there is no *Consolidated* printout or it is not clear, and it cannot be reprinted, or it does not include the results for every machine in the precinct -- proceed as follows:

If the *Consolidated* printout does not include the results from every DRE used in the precinct in the election:

- ✓ Enter the *Consolidated* printout results under VM-1, lines B2, B3 and B4 (number of voters, and votes cast for the two candidates);
- ✓ Enter the serial numbers of every machine with results included in the *Consolidated* printout at the bottom of the page below Part B-2 in the blanks provided.
- ✓ For each machine not included in the *Consolidated* printout, from the individual DRE machine tapes, enter the machine serial number, number of voters who voted on this DRE and votes for each candidate in the recount on the appropriate lines under columns VM-2, VM-3, etc., until the results for all machines not listed on the *Consolidated* printout have been recorded. If an additional page is needed, continue to another copy of the *Recount Precinct Results* page containing Parts B-1 and B-2, manually crossing out and renumbering the machine number headings on the second page (VM-1 becomes VM-7 on page 2, etc.).

If there is no *Consolidated* printout and it cannot be reprinted, list the results from each DRE machine from the individual printouts under columns V-1, etc. (rows B1 through B4) as described above.

- ✓ Double check the machine serial numbers listed on the R*ecount Precinct Results* (Parts B-1 and B-2) against the serial numbers listed

on the back of the 7/7C envelope to make sure that all of the machines have been listed.

2. If an individual or *Consolidated* machine tape is not clear or not available and the Recount Coordinator advises that it must be rerun from the machine, complete the questions in **Part B-3**. Then, only examine the seals of the machines from which tapes are being rerun, comparing them to the information recorded on election night on the back of **Envelope # 7/7C.** ↓

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**Part B - 3 -- If DRE Tape(s) Must Be Rerun**

Complete this part if any DRE tape from the precinct was missing or not clear, and the recount officers were directed to rerun the tape(s). Compare the seal on the each machine opened to the to the final seal number listed for that machine on the key envelope.

**I. Do the seal and key envelope numbers for the reopened machine(s) agree?** ☐ YES ☐ NO

If **NO**, mark the serial number of the machine on which a discrepancy was found with a check (✓) in Part B-1 on previous page and complete A through E below. Attach the precinct Statement of Results from the election (including all pages and attached tapes).

A. Machine#: _____

B. _____ Number on Protective Counter

C. _____ Number on Public Counter

D. _____ # on key envelope

E. _____ # on machine seal

**II. Seal(s) intact?** ☐ YES ☐ NO

If **NO**, mark that machine number with an asterisk (*) in Part B-1 on previous page. Enter, on the reverse side of this page, a description of the machine condition and complete lines F through H below. Attach the precinct Statement of Results from the election (including all pages and attached tapes).

F. Machine#: _____

G. _____ Number on Protective Counter

H. _____ Number on Public Counter

---

3. Calculate the total votes cast for the two candidates in the recount, under each **VM** column, in **line B5 (B3 + B4)**. Then calculate the Total Voters on DREs in **line B2** (adding across), the DRE totals for each respective candidate in **lines B3 and B4** (adding across), and the total votes cast on DREs for both candidates in **line B5** (adding across).
   - ✓ Double-check: the total votes on all DRE machines for the two candidates in the recount, calculated in the last column of line **B5** by adding across that line, must equal the totals for the two candidates adding down the last column of totals from rows **B3** and **B4**.

   Now calculate the number of voters who undervoted this office or voted for another candidate by **subtracting B5 from B2 in each column** and put the result in the field **B6**. Add across that line and enter the total in the last column.

4. From **Part B-1**, carry the total number of voters from the **last (total) column of line B2** over to **Part C, line C4, column (i), (Total DRE Machine Count/Total Number Voting)**.

5. From **Part B-2**, carry the candidate totals from the **last (total) column in lines B3 and B4** over to **Part C, line C4, columns (ii) and (iii),** double-checking that each number is copied to the column for the appropriate candidate.

i. The candidates should have already been listed in both forms in the same order -- B3 should be the same candidate in Part C, column (ii), and B4 the same as column (iii) -- but check that they are actually properly placed. If not, correct the references to Lines B3 and B4 in line C4 and initial the change (both officers). Do not change or move the candidate names already listed on the pages.

6. Add the candidate totals entered **line C4, columns (ii) and (iii)** for the two candidates and enter the total in **line C4, column (iv)**. Check that this total is the same number entered in the **total column of line B5.**

| Part C - Certification of Official Ballots | | | | | | |
|---|---|---|---|---|---|---|
| VOTES CAST FOR CANDIDATES IN RECOUNT<br>IMPORTANT:<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | | (i)<br>Total Number Voting | (ii)<br>Candidate Name<br>( ) | (iii)<br>Candidate Name<br>( ) | (iv)<br>Total Cast for Candidates<br>(ii) + (iii) | |
| C4 | Total DRE Machine Count<br>[If no DREs used, mark each "0".] | B2<br>Total = | SHOULD = LINE B3 TOTAL | SHOULD = LINE B4 TOTAL | SHOULD = LINE B5 TOTAL | C4 |

7. From **Part B-1**, carry over the total number of voters who undervoted this office, or voted for another candidate (**last column of line B6**) and enter the number in **Part C, line C8** (ballots undervoted...)**, column (iii) (DRE).**

| | | | | | | |
|---|---|---|---|---|---|---|
| C8 | Ballots Undervoted or Voted for Other Candidates | Machine-readable | Paper | DRE | C8(i) + C8(ii) + C8(iii) = | C8 |

8. Set the Statement of Results with its attachments aside for now. Return any machine printouts not attached to the SOR to **Envelope #2**.

## D. Paper Pollbooks: Verify pollbook count and number of paper ballots cast

If paper pollbooks were used, remove the **pollbook(s)** and the **Pollbook Count** forms from **Envelope #2** and examine them one at a time:

1. In **Part D-1 (Paper Pollbook Count and Reconciliation)** enter the division section (example "A-L") on the first line under the first "Division" column. Then enter the number of voters in the pollbook for the first pollbook division [this figure is shown on the bottom of the reverse side of the **Pollbook Count** form].

   If a second team of recount officials will be used to hand count the paper and machine-readable ballots, that second team should perform steps 2 and 8 for each division of the pollbook.

2. Determine number of voters voting on **paper ballots** by examining each page of the first pollbook division, and enter the total number of paper ballots in the first **Part D-1 (Paper Pollbooks) line D1-PB** under the first pollbook division. (If a second team of recount officials is being used, the number should be provided to first team to enter on the form, and the entry verified by the second team.)

Paper ballot voters are those marked in the pollbook with a "**P**."

Outside Polls voters (marked with "**OP**") may have voted by paper ballot or on a portable DRE. If it is not clear from the pollbooks whether the OP voters voted on paper or machine, check the **Statement of Results** which will indicate each time a machine was removed from the precinct.

If the locality used a CAP to count absentee ballots, do not include the voters marked "**AB"** in the precinct counts unless they are also marked with a **pollbook count (PBC) number**.

When recounting the results for the CAP, refer to the final absentee ballot list (which serves in lieu of the pollbook) to determine the number of voters voting on DRE and by printed ballot.

| **Part D - 1 – Paper Pollbook Count (PBC) and Reconciliation** | | Division ____ - ____ | Division ____ - ____ | Calculation or Number | Total Pollbook Count | |
|---|---|---|---|---|---|---|
| **D1** | Enter **last PBC Number** for each division from PBC Count Sheet | _____ | _____ | **Total of Division Counts** | | **D1** |
| **D1-PB** | Enter **number of Paper Ballots cast** (from Pollbooks by division) | _____ | _____ | **Total of Division Counts** | | **D1-PB** |

3. RETURN the pollbook and pollbook count sheet to **Envelope #2.** Do not reseal Envelope #2 at this time.

4. If more than one paper pollbook division was used in the precinct, repeat Steps 1, 2 and 3 for each such pollbook division.

5. When all pollbook divisions have been entered, **add across Line D1** (Paper Pollbooks) to total the division counts and enter the total in the last column, Total Pollbook Count.

6. **Add across line D1-PB** to total the paper ballot counts from the pollbook divisions and carry this number over to **Part A, line A7**.

7. From **Part A** of the **Statement of Results** (previously set aside), the number of paper ballot voters in the precinct is indicated in **line A9** (A18 if absentee ballots were counted in the precinct). Enter this number in **Part A, line A8** of the **Recount Precinct Results**.

| | | | |
|---|---|---|---|
| A7 | Number of Paper Ballot Voters as indicated on all paper pollbooks for the precinct, or on Electronic Pollbook (EPB) | Pollbooks | 3 |
| A8 | Number of Paper Ballot Voters as indicated by line A9 of SOR (A18 if absentee ballots were counted in the precinct) | SOR line A9 | 3 |

8. *If A7 and A8 are not the same number*, ask for the advice of the Recount Coordinator. If the reason for the difference is known or can be determined by to the Recount Officials, it should be explained on the reverse of the Recount Precinct Results page containing Part A.

   The Recount Coordinator may direct that the SOR and Incident Report be examined to determine possible variations in the number of paper ballots indicated on the pollbook and the SOR, and that the pollbook count sheets be examined if the pollbook officer noted paper or OP ballots.

   Any other information contained in **Envelope #2** may be examined by the Recount Officials at the direction of the Recount Coordinator to determine the reason for the difference.

   The Recount Coordinator may also direct that the pollbooks be re-examined to redetermine the number of paper ballots cast. If the re-examination yields a different number for any division, the correction should be entered in **line D1-PB** under the appropriate division. When the re-examination is complete, as determined by the Recount Coordinator, the line D1-PB total must be recalculated if any division entry changed, and the figure carried over to **line A7.** The changes must be explained by the Recount Officials on the reverse of both changed pages.

9. From **Part C1 of the Statement of Results** enter the number of canceled DRE ballots in the Recount Precinct Results, **Part D-1 (Paper Pollbooks), line D2** and the number of voided machine-readable and paper ballots in **line D3**. **Add D2 and D3**, and enter the total in **line D4**.

10. **Subtract line D4** (total canceled and voided ballots) **from D1** (total of division counts), and enter the figure in **line D5.**

| **Part D - 1 – Paper Pollbook Count (PBC) and Reconciliation** | | Division ____ - ____ | Division ____ - ____ | Division ____ - ____ | Division ____ - ____ | Calculation or Number | Total Pollbook Count | |
|---|---|---|---|---|---|---|---|---|
| D1 | Enter **last PBC Number** for each division from PBC Count Sheet | | | | | Total of Division Counts | | D1 |
| D1-PB | Enter **number of Paper Ballots cast** (from Pollbooks by division) | | | | | Total of Division Counts | | D1-PB |
| D2 | **Number of cancelled DRE Ballots** – (DRE ballots that were CANCELLED because the voter left the booth without casting his/her ballot. Copy from precinct SOR.) | | | | | | | D2 |
| D3 | **Number of voided Machine-readable and Paper Ballots** - (Ballots that were VOIDED because the voter left the booth without casting his/her ballot. DO NOT include ballots spoiled by voter and replaced. Copy number from precinct SOR.) | | | | | | | D3 |
| D4 | **Total Number of Cancelled DRE and VOIDED Machine-readable and Paper Ballots** | | | | | = D2 + D3 | | D4 |
| D5 | **Pollbook Count Reconciliation** - Subtract Total number of CANCELLED DRE and VOIDED Machine-readable and Paper ballots from Total Pollbook Count. **D5 should not be *more* than C10** | | | | C10 = | = D1 – D4 | | D5 |

11. The Recount Officials must verify the totals entered.

12. Return all pollbooks, pollbook count sheets, the Statement of Results and any other materials removed from **Envelope #2** to that envelope. RESEAL **Envelope #2**, with both Recount Officers signing the seal. Set Envelope #2 aside.

## E. Electronic Pollbooks: Verify pollbook count and number of paper ballots cast

If electronic pollbooks were used, leave the first part D-1 (for paper pollbooks) blank, and use **Part D-2 - Electronic Pollbook Count and Reconciliation**.

1. If a printer was used with the EPB, remove the open/close poll report from the **Envelope #2** and enter the total voters Checked-In COUNT from the report in D-2 (EPB), line D6 (total voters Checked-in Count).

   If the report includes the number of voters checked in as voting paper ballots, enter that number in **Part A, line A7**.

2. If there is no EBP open/close poll report, it will be necessary to obtain the information from the EPB data thumbdrive sealed on election night in **Envelope #2**. The General Registrar, EPB manager, Equipment Technician or other person designated by the Recount Coordinators will have already loaded the precinct manager software onto a laptop and set it up in the recount room with an attached printer. (Person performing this function should also be sworn at the beginning of the recount.) One member of the Recount Team, a Recount Coordinator, and the observer from the side not being represented by that Recount Coordinator will take the precinct thumbdrive to the designated person who can bring up the data from the precinct and print the appropriate reports. The other team member and observer will remain with the precinct materials while this is done.

   If the number of paper ballot voters was not recorded by the Officers in the EPB data, or cannot be retrieved, **line A7 of Part A** must be left blank. On the back of that page of the Precinct Recount Results, the Recount Officials must explain -- to the best of their ability-- why the data is unavailable.

3. From **Part C1 of the Statement of Results** (previously set aside) enter the number of canceled DRE ballots in **Part D-2 (Electronic Pollbooks), line D7** and the number of voided machine-readable and paper ballots in **line D8**. **Add D7 and D8**, and enter the total in **line D9**.

4. **Subtract line D9** (total cancelled and voided ballots) **from D6** (Total EPB pollbook count), and enter the figure in **line D10.**

5. The Recount Officials must verify the totals entered.

6. RETURN the EPB open/close report (if applicable) and thumbdrive to **Envelope #2**, along with the Statement of Results and any other materials removed from **Envelope #2**. If a printout/report was produced from the thumbdrive during the recount, that printout/report should also be sealed inside **Envelope #2** (in the

event of a later contest). RESEAL **Envelope #2**, with both Recount Officers signing the seal. Set Envelope #2 aside.

## F. Finish the paperwork

1. Return all ballots except the challenged ballots to **Box/Envelope #3** (if not previously done). If manual tally sheets were used, put them in **Box/Envelope #3**, on top of the ballots (in case there is a contest following the recount). Then RESEAL it.

   a. In **Part C** of the Recount Precinct Results, **find the totals for lines C1 through C4 in each vertical column (i - iv)** and enter the column totals in the corresponding column on **line C5**.

| Part C - Certification of Official Ballots | | | | | | |
|---|---|---|---|---|---|---|
| VOTES CAST FOR CANDIDATES IN RECOUNT<br>IMPORTANT:<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | | (i)<br>Total Number Voting | (ii)<br>Candidate Name<br>( ) | (iii)<br>Candidate Name<br>( ) | (iv)<br>Total Cast for Candidates<br>(ii) + (iii) | |
| C1 | Total Ballots Read by Ballot Scanner Machine in Recount (From tape; when finished attach tape to back of page with Part A.) | A4<br>Total = | | | | C1 |
| C2 | Total Machine-readable Ballots *Manually* Counted in Recount | A5<br>Total = | | | | C2 |
| C3 | Total Paper Ballots Counted in Recount | A6<br>Total = | | | | C3 |
| C4 | Total DRE Machine Count<br>[If no DREs used, mark each "0".] | B2<br>Total = | SHOULD = LINE B3 TOTAL | SHOULD = LINE B4 TOTAL | SHOULD = LINE B5 TOTAL | C4 |
| C5 | Total Votes<br>(Add C1 through C4 in each column) | | | | | C5 |

   b. In **Part C**, add together the number of machine-readable, paper and DRE ballots **(columns (i), (ii), and (iii))** in each category listed on lines **C7 through C9**. Enter the respective totals in **Column (iv)** on the same line.

   c. In **Part C**, Enter the **total of column (iv), lines C5 through C9** on **Line C10**.

   d. Is the number in **line C5, column (i)** the same as the number in **line C10, column (iv)**? If not, recheck math and recheck numbers entered. Ask Recount Coordinator for guidance.

| | | (i) | (ii) | (iii) | (iv) | |
|---|---|---|---|---|---|---|
| C5 | Total Votes<br>(Add C1 through C4 in each column) | | | | | C5 |
| C6 | | Paper Ballots Drawn (during recount) (§ 24.2-802) | | | | C6 |
| C7 | *Manually* Counted Ballots Voided by Voter (Includes Overvoted; § 24.2-663) *[For C7 - C9, list separately by ballot voting system]* | Machine-readable | Paper | | C7(i) + C7(ii)= | C7 |
| C8 | Ballots Undervoted or Voted for Other Candidates | Machine-readable | Paper | DRE | C8(i) + C8(ii) + C8(iii) = | C8 |
| C9 | Challenged Ballots (enclosed in attached envelope) | Machine-readable | Paper | | C9(i) + C9(ii) = | C9 |
| C10 | | TOTAL [Add C5 through C9 in column (iv)<br>**Should equal C5 column (i)** | | | Carry to D5 and D10 | C10 |

e. Also enter the number on **line C10, column (iv)** in the proper box in Part D-1 line D5 or Part D-2 line D10 (depending on whether paper pollbooks or an electronic pollbook was used).

Paper Pollbook:

| | | | | | |
|---|---|---|---|---|---|
| D5 | **Pollbook Count Reconciliation** - Subtract Total number of CANCELLED DRE and VOIDED Machine-readable and Paper ballots from Total Pollbook Count. **D5 should not be *more* than C10** | C10 = | = D1 – D4 | | D5 |

Electronic Pollbook:

| | | | | | |
|---|---|---|---|---|---|
| D10 | **Pollbook Count Reconciliation** - Subtract the number of CANCELLED DRE and VOIDED Machine-readable and Paper ballots from Total Pollbook Count. **D5 should not be *more* than C10** | C10 = | = D6 – D9 | | D10 |

2. If machine-readable ballots for this precinct were rerun through a counter during the recount, **make sure that the BALLOT SCANNER MACHINE TAPE for the ballots rerun during the RECOUNT is stapled to the back** (behind the top right -- see instructions on page) **of the Recount Precinct Results page** with **Part A.** Make sure that the precinct code is written on the tape.

3. Make sure that the pages of the Recount Precinct Results are complete (including all information at the top of the pages if not previously filled in) and put them in order by "Part" letter. Number the pages if this has not been previously done, or if an additional page had to be added (for example, for more individual DRE tapes than the columns available).

4. Each Recount Official must verify the totals entered and **sign and date the form** in the **CERTIFICATION (Part E – page 1)**. (If a second team of Recount Officials was used to hand count the ballots, those officials must also sign the form.)

**PART E** - **DO NOT SIGN UNTIL ALL OTHER MATERIALS ARE COMPLETE**

**CERTIFICATION**— We hereby swear/affirm, under felony penalty for making willfully false material statements or entries, that all of the information entered heron is true and correct.

WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO $2,500. (Va. Code § 24.2-1016)

1. _____ Recount Official's Signature - Team 1
_____ Printed Name

2. _____ Recount Official's Signature - Team 1
_____ Printed Name

3. _____ Recount Official's Signature - Team 2 (if applicable)
_____ Printed Name

4. _____ Recount Official's Signature - Team 2 (if applicable)
_____ Printed Name

5. **Staple the set of Recount Precinct Results pages <u>together</u> in the top left corner. <u>If there were any challenged ballots in this precinct</u>**, staple the set of Results pages to the top left corner of the completed, sealed **Challenged Ballots envelope** (making sure not to staple through any ballots).

   <u>If there were NOT any challenged ballots in this precinct, DO NOT staple the Recount Precinct Results to the empty **Challenged Ballots envelope**</u>. Keep the envelope until needed for a precinct that has one or more challenged ballots. (The instructions <u>preprinted</u> on your Challenged Ballot envelope may say to complete and seal the envelope, and staple the precinct results to it even if there were no challenged ballots in the precinct. <u>*These instructions revise those instructions*</u>.)

6. Let the Recount Coordinator know that you have completed the precinct. The Coordinator should review the completeness of the Recount Precinct Results at that time, ensuring that all entries appear to be legible (to the Coordinator), and the pages are sequentially numbered and complete.

   The Recount Officials will now give the Recount Coordinator:

   **(1) The completed Recount Precinct Results set**
   - with attached ballot scanner machine tape if machine-readable ballots were rerun during the recount
   - attached to Challenged Ballots envelope ONLY if there was a challenged ballot

   **(2) All of the election materials received from the precinct, properly resealed** in their envelope/box (with any Manual Tally Sheets that were used placed/sealed inside Box/Envelope #3 on top of the ballots)

   **(3) The resealed memory card/cartridge used to rerun the machine-readable ballots** (if applicable).

7. The Recount Coordinator will then give the Clerk of Circuit Court the **completed Recount Precinct Results set** with the attached tape (if applicable) and attached **Challenged Ballots envelope** (if used), and **all other election materials for the precinct** and receive the packages for the next precinct.

## G. Repeat for next precinct

Repeat the above steps until all assigned precincts have been completed.

## Finishing the Locality's Results; Sealing and Delivery of Material

The following steps are recommended by the Department of Elections for security, accuracy and uniformity, subject to the direction and authority of the Recount Court.

The Recount Coordinator receiving materials from the recount officials should make sure that the materials are complete.

- ✓ If machine-readable ballots were rerun through a scanner for the precinct:
  - is the **recount ballot scanner machine tape** stapled to the back of the Recount Precinct Results page containing **Part B**?
  - If any **Challenged Ballots** are listed in **Part C, line C9** of the Recount Precinct Results form:
  - Is the **Challenged Ballot Envelope** attached to the Recount Precinct Results set, and has the envelope been sealed, signed, and completed?
  - Is the **total number of challenged ballots listed on the envelope** the same as the **total listed on line C9, column (iv)**?
- ✓ Do the entries on the Recount Precinct Results form set appear to be legible (to the Clerk), and are the pages sequentially numbered and complete?

The Clerk of Court for the locality will check in the materials received from the Recount Coordinator for the completed precinct. While the Recount Coordinator is present, the Clerk will make sure that the materials appear to be complete.

- ✓ Did all the election and recount envelopes/materials checked out by the Recount Coordinator for the precinct come back?
- ✓ Have all sealed materials opened during the recount been properly resealed?

Any questions should be addressed at that time to the Recount Coordinator and, if either the Clerk of Court or Recount Coordinator believes it necessary:

- The Clerk of Court will not accept the materials in question from the Recount Coordinator at that time (checking in only those not in question), and
- The Recount Coordinator will return to the Recount Team that prepared the materials, with the materials in question, to resolve any issues.

Once the precinct's recount materials are all accepted by the Clerk, if the locality's recount results are to be conveyed to another location after completion of *all* precincts, the Recount Coordinator for the locality, in the view of the Clerk of Court, will **enter the total number of votes for each of the two candidates in the recount and the number of challenged ballots referred to the Court in the first line for the precinct** on the **Locality Summary** form. **Enter ZERO "0" if there were no challenged ballots. Leave the second line for the precinct blank** ("challenged ballots counted by the Court").

Note: In the past this has been entirely done at the Recount Court level. In the revised process for a "two day" or "two part" recount, the Recount Coordinator will complete the first line for the precinct. The results will be checked by the Recount Court and tabulated after all challenges have been decided.

The Clerk of Court will place the recount materials to be conveyed to the Court for the locality as a whole in precinct number order, to be placed in the Locality Results Envelope when completed.

The Clerk of Court will then give the Recount Coordinator the materials for the next precinct (checking them out as given).

The Clerk of Court will replace the sealed materials for the election that will remain in the locality in a secure place with the other completed materials.

The Recount Court may be in session in the same room while the recount is underway, and may choose to review the precinct results and any challenged ballots (or just the challenged ballots) as each precinct is completed. If the Clerk of Court is instructed to convey these immediately to the Recount Court, it is recommended that the Clerk note on the materials check in/out record what was given to the Court, when it was received, and who received it.

**If the Recount Court decides to review precinct results and challenged ballots as the precincts complete them**, the Court or its designee would enter the total number of votes for each of the two candidates in the recount and the number of challenged ballots referred to the Court in the first line for the precinct on the Locality Summary form, entering ZERO "0" in the last column if there were no challenged ballots. The court would record its decision(s) on the challenged ballots on the second line for the precinct ("challenged ballots counted by the Court") on the Locality Summary form.

**If the Recount Court decides to review only the challenged ballots as the precincts are completed**, the Clerk would give that envelope to them with the attached precinct results. After reviewing the challenged ballots (without reviewing the Results), the Court would note its decision on the outside of the envelope by candidate (for example "Smith - 2, Jones - 1, not counted - 1), reseal the envelope and return it to the Clerk for the locality to put with the other completed recount precinct results.

Repeat the above steps until all assigned precincts have been completed.

# "Part Two" - Court Review and Compilation of Results -- Suggested Steps

## Check in and Logistics

Make sure you have the following documents and materials:

- ✓ *Locality Summary of Recount Results (SBE-802-LS)* (one form has been prepared for each locality)
- ✓ *Court Certification of Recount Form* (SBE-802-CC) (lists results by locality)
- ✓ Locality Results envelope/box for each locality
- ✓ Stickers to reseal the envelopes
- ✓ Notepads
- ✓ Pens

## Officials and Authorized Representatives

**Floor Teams:**

- One Department of Elections Staff Member,
- One representative of the accounting firm,
- One representative of each campaign.

Duties: Open locality results envelope/box received from **runner** one locality at a time. Handle challenged ballots. Report challenged ballots. Determine precinct results from the materials submitted by the locality. Complete *Recount Certification – County or City Results by Precinct* (*SBE 802-LS*) form for the locality being examined.

**Floor Attorneys:**

- Attorneys for each campaign

Duties: Available to Floor Teams to answer questions and resolve issues.

**Appeals Team:**

- Lead attorneys for both candidates,
- Department of Elections senior staff,
- Member of the Clerk's staff (at Clerk's option).

Duties: Resolves any issues raised by **Floor Teams**. Issues are resolved if the two party attorneys are in agreement, and the Department of Elections senior staff member bears witness to the agreement. Any issues not resolved by the Appeals Team will go to the **Recount Court** for a decision. Examine challenged ballots that could not be resolved by the **Floor Team** and refer to **Recount Court** for its decision (with recommendation if one is reached). Examine materials (pollbooks, ballots, etc.) referred to the **Recount Court** when number of paper ballots in a precinct does not equal the number of paper ballot voters on the pollbooks, or there are other problems.

**Summary Team:**

- One Department of Elections Staff member,
- One representative of the accounting firm,
- One representative from each campaign.

Duties: Examine *Recount Certification – County or City Results by Precinct* (SBE 802-LS) for each locality as received from the **runner**. Total columns and enter totals on *Summary*

form for the locality. If any challenged ballots that could not be resolved by the **Floor Teams** are later counted by the Court, add them to the *Summary* form under the locality (not on the *Results by Precinct* form) and recalculate totals.

**Runner:**

- One Department of Elections Staff member

Duties: Take the materials from the **Clerk**, one locality at a time to the **Floor Teams**, pick them up when the **Floor Team** is finished, return the materials to the **Clerk**, and deliver the tabulation sheets to the **Summary Team**.

**Clerk**

Duties: Clerk or Deputy Clerk should maintain control of the recount room, including press and general public, hand out locality documents and receive them back when completed, and transport any challenged ballots unresolved by the **Floor Team** or **Appeals Team** to the three judges of the **Recount Court** for their decision.

## Floor Team Step-by-Step

### Guidelines

- ONLY **ELECT STAFF** may handle ballots or other materials.
- Ensure all members of **Floor Team** and any observers are able to see the materials clearly.
- If, at any time, the packet is missing information or does not comply with the requirements set forth below, notify the **Appeals Team** (ELECT Executive/Policy Staff or Campaign Attorneys).

### Review and Compilation of Results

Local Results envelopes/boxes received from localities should be alphabetized by locality to make sure that they are present and clearly marked. If a county and city have the same name they should be marked to show the county or city designation before the recount begins.

1) **Floor Team** Receives Locality Materials from the Runner

   a. Check to ensure the **Clerk** or Deputy Clerk of the Locality's Circuit Court **has signed** in the space provided in the lower right hand corner of the package.

   b. Check for SBE-802 LS form: "Recount Certification County or City Results by Precinct" (tabulation sheet).
      i. If there is **no 802 LS form, the accountant will have to create** a form from a blank 802 LS.

   c. Count the number of SBE-802 PR forms "Recount Precinct Results for All Voting Systems".
      i. Number of forms should equal number of precincts listed on tabulation sheet (SBE-802 LS + 2 for CAP and provisional ballots, if locality has a CAP).
      ii. Also confirm precincts with spreadsheet of precincts provided.

2) **Open Recount Precinct Results** to Part C (SBE-802 PR).

   a. Confirm **Line C5, column (ii) and (iii) of SBE-802 PR** correspond with precinct totals entered on Recount Certification (SBE-802 LS) for each candidate.

   b. Confirm number of challenged ballots entered on **Line C9 of SBE-802 PR** correspond with number of challenged ballots entered on SBE-802 LS.

3) If any information does not match, please notify a member of the Appeals Team.

## Dealing with Challenged Ballots

4) **Open** the package.

   a. Remove one envelope at a time.

   b. Ensure there is an 802-CB attached to a Challenged Ballot (CB) Envelope.

   c. Ensure the 802-CB is signed by the Recount Officials for that precinct.

   d. Identify precinct and locate the precinct on the Recount Certification – County or City Results by Precinct form.

5) **Examine** the CB Envelope

   a. **If zero indicated on front of envelope**, hold envelope to the light and ensure envelope it is empty.
      i. **Accountant** shall enter ZERO on the 802-LS

   b. **If a number is indicated on front of envelope**, open the envelope and verify the number of ballots included equals the number indicated on the form.

      i. **Accountant** should enter the number of ballots challenged on 802-LS
         1. Ensure each challenged ballot has an 802-CB attached to it.

      ii. Allow each party to examine, but not handle, the challenged ballot one at a time. (if there is any question, refer to the Department of Elections Ballot Examples)

         1. If the two **Party Representatives agree** on which candidate the ballot should be counted for, then mark on the back of the 802-CB the name of the candidate the candidate for which the ballot shall be counted for.

         2. If the two **Party Representatives do NOT agree**, then request the **Appeals Team** over to review the ballot.
            a. If **parties agree**, then follow procedure above for counting the ballot.

b. If **parties do NOT agree**, then provide the ballot to the Runner who will take it to the Clerk for review by the Court.

c. **If no number is entered on front of envelope**, open to verify if the envelope is empty.

i. Review 802-PR to find the number of ballots challenged.

ii. Accountant should enter the number found on 802-LS.

iii. If a challenged ballot is present, allow each party to examine, but not handle, the challenged ballot one at a time. (if there is any question, refer to the Department of Elections Ballot Examples)

1. If the two **party representatives agree** on which candidate the ballot should be counted for, then mark on the back of the 802-CB the name of the candidate the candidate for which the ballot shall be counted for.

2. If the two **party representatives do NOT agree**, then request the **Appeals Team** over to review the ballot.
   a. If **parties agree**, then follow procedure above for counting the ballot.
   b. If **parties do NOT agree**, then provide the ballot to the Runner who will take it to the Clerk for review by the Court

6) **Finalize** the Locality Results

a. Once all ballots have been determined, the accountant will complete the 802-LS.
   i. ELECT staff and the party reps should confirm the 802-LS is entered correctly and initial under the totals.

b. Call a **Runner** to take the **802-LS** to one of the **Summary Teams**.

c. Call a **Runner** to take the **locality materials** back to the **Clerk**.

## Final Certification of Results: Re-seal material

After the **Floor Team** has completed the 802-LS *Recount Certification – County or City Results by Precinct,* the materials are transported to the **Summary Team**.

1) The **Summary Team** checks the math and completeness of the *Locality Summary of Recount Results (SBE-802-LS).*
2) The **Summary Team** transfers the vote totals for each candidate in each locality from the *Locality Summary of Recount Results (SBE-802-LS)* to the Court *Certification of Recount (SBE-802-CC)* form.
3) The **Summary Team** transfers any information regarding challenged ballots (SBE-802-CB) received from the **Appeals Team** or the **Recount Court** on the *Court Certification of Recount (SBE-802-CC)* form.
4) The accountant on the **Summary Team** verifies the accuracy of the *Court Certification of Recount* (SBE-802-CC) form.
5) The *Court Certification of Recount* (SBE-802-CC) form is submitted to the **Recount Court** for their certification.

# After the Recount

## Issuance of Certificate of Election

The person having the highest number of votes shall be deemed to have been elected to such office and shall receive a certificate of election. The Attorney General's office has determined that the certificate of election should be issued by the local electoral board even though an election is being recounted. There are no provisions of §24.2-802 that would delay the local electoral board's issuance of the certificate of election as required by §24.2-676.

If the Court's certification of the recount declares the losing candidate the winner, a new certificate of election must be issued, making the original certificate null and void.

## Update Results on Department of Elections Website

Localities involved in a recount may need to change their election results. §24.2-671 requires there to be a record of all changes to vote totals made after Election Day. Therefore, all localities must enter a "Reason for Change" in VERIS before they can change their vote totals. These changes will be reflected on the Department of Elections website. The Department of Elections generally does not publish local results since they are not the certifying agent. However, since most local elections are held on an Election Day in which the Department of Elections is the certifying agent, local office results are included. The website will be updated accordingly.

## Return and Final Retention of Material

All of the recount material received from each city or county comprising the district being recounted should be resealed and signed by the Recount Court's designated officers tabulating the results, and preferably also by representatives for the parties to the recount if present, and then securely stored by the Clerk of Court for the Circuit Court in which the recount was held. These materials should remain secured and sealed until the time for the candidate losing the recount to initiate a contest has expired. See **C**ontests near the beginning of this document and § 24.2-814 allowing 10 days from recount court order declaring winner to file contest.

If the recount was for a primary or election for a General Assembly seat, statewide office or federal office, the Department of Elections will check with the appropriate office to determine if a contest has been filed by the deadline, and then notify the Clerk. If no contest is pending, the records for the Clerk's own locality should then be treated as prescribed by law for other records from that same election date that are in the custody of the Clerk.

Materials sent from any other localities in the district to be recounted should be returned to the Clerks for those localities, again to be treated in the same manner as other records from that election date that are in the custody of the Clerk. The other Clerks may want to pick up the records, or the sending Clerk may have them delivered personally or by a method

that includes tracking of delivery. If the materials are picked up or delivered personally, both Clerks should keep a record documenting the transaction.

In the case of a primary or election for a county, city or town office, or local district office, any contest would be filed with the Circuit Court where the challenged candidate resides. Unless the recount was for a shared local office, the Clerk of the Court that conducted the recount will receive any contest filed, or should check with the Clerk where the winning candidate resides to determine if a contest has been filed by the deadline.

# Virginia Election Recounts
# Step-by-Step Instructions

Includes:

- Overview of Recounts and Contests
- Preparations for the Recount
- Precinct Instructions for Recount Coordinators and Officials-All Voting Systems
- Suggested Steps for the Court's Review and Compilation of Recount Results
- After the Recount



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**A Message to General Registrars and Electoral Board Members**

*Please carefully review this document as soon as you know that a recount is possible ~~or likely~~ in one of your elections. Also provide a copy to your local Clerk of Court. These instructions accompany the* ***RECOUNT PRECINCT RESULTS For All Voting Systems*** *(form SBE-802-PR~~,~~ ~~, a set of forms which replaces all previous Virginia recount forms for tabulating and reporting individual precinct results. Likewise, this document replaces all previous Department of Elections instructions for recount coordinators and recount officials. The Appendix shows the conversion from the most recent recount document names and titles to the 2011 versions.~~*

*If you have any questions about this information, please do not hesitate to contact a Department of Elections policy analyst.*

## Overview -- Election Recounts and Contests

### Recounts

A recount is a simple redetermination (retabulation) of all of the votes cast on Election Day. Recount officials only count the ballots that were previously cast. A voter's eligibility to vote or any alleged irregularities cannot be called into question during a recount (only in a contest, see below).

In Virginia, there are no automatic recounts. Only an apparent losing candidate can ask for a recount, and only if the difference between the apparent winning candidate and that apparent losing candidate is not more than one percent (1%) of the total votes cast for those two candidates.

~~A law change effective 7/1/2009 allows~~As of 2009, a losing candidate may request a recount ~~to be requested~~ if the difference is not more than five percent (5%) of the total votes cast for those two candidates if one of those candidates was a write-in candidate for that office. (§ 24.2-800, Code of Virginia)

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The apparent losing candidate cannot request a recount until after the election is certified. (§ 24.2-801) The Department of Elections certifies primary and election results for all federal offices (Presidential Electors, U.S. Senate, and U.S. Congress), state offices (Governor, Lt. Governor, and Attorney General and General Assembly seats) and any offices shared by two or more localities.

Field Code Changed

An apparent losing candidate requesting a recount of a primary or general election for statewide office files the petition requesting a recount with the Circuit Court of the City of Richmond. A candidate requesting a recount for any other office files the recount petition with the Circuit Court where the candidate being challenged resides.

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Local electoral boards certify all other election results for local offices. Each electoral board meets in the days following the election to canvass and certify these results. To request a recount, an apparent losing candidate for a local election must file a petition for a recount with the Circuit Court where the challenged candidate resides within ten days after the electoral board certifies the election results. Any local candidate seeking a recount should check with their local general registrar or electoral board to determine the actual date of certification for these local offices.

The Chief Judge of the Circuit Court where the recount petition was filed and two other judges appointed by the Chief Justice of Supreme Court of Virginia make up the recount court. The recount court, outlines all procedures and the manner in which the recount will be conducted for each type of voting equipment used (pursuant to § 24.2-802 of the Code of Virginia).

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The recount court appoints recount officials from among the officers of election who served in the locality during the election. These recount officials are appointed to represent the respective parties to the recount. In setting the procedures for the recount, the court will also decide if the actual recounting of votes cast will take place in the various localities or in a central location. After all of the votes cast are recounted, the court will certify the candidate with the most votes as the winner.

The counties and cities involved in a recount are responsible for paying their own costs for the recount if the margin between the two candidates who are parties to the recount is ~~a~~ one-half ~~of a~~ percent or less, or if the candidate requesting the recount is declared the winner by the recount court. Otherwise, the candidate who requested the recount must pay the costs for conducting the recount. Any candidate requesting a recount who may be assessed with costs shall post a bond with surety with the court in the amount of $10 per precinct in the area subject to the recount. (More information about recount costs is available in § 24.2-802(E) and (F) of the Code of Virginia).

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Because of the federal deadline for the seating of the state's presidential electors, Virginia law provides an accelerated schedule for any recount of such election (see § 24.2-801.1). The presidential candidate represents the vice presidential candidate and the candidates for electors (§ 24.2-800). The deadline for filing of notice of intent to contest is 5:00 PM on the second calendar day following certification of the election by the Department of Elections. The recount "shall be held promptly" and must be concluded at least six days before the time fixed for the convening of the electors. If a *contest* of an election for Virginia's presidential electors is also filed, they would proceed simultaneously (§ 24.2-805).

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## Contests

An unsuccessful candidate in the election may file a notice of intent to contest the election. The notice must state the grounds for the contest, which must include one of the following:

(i) objections to the eligibility of the contestee based on specific allegations, OR
(ii) objections to the conduct or results of the election accompanied by specific allegations which, if proven true, would have a probable impact on the outcome of the election, ~~or~~ OR
(iii) both.

Contests of elections for most offices in Virginia may be filed only within 30 days of the election or ~~ten~~ 10 days of the date of the primary or a special election held on a date other than that of a general election. A contest may also be filed after a recount under Va. Code §

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24,2-814 within 10 days after the recount court's order declaring a winner under Va. Code § 24.2-802(D).

If a recount has been held for an election to the House of Delegates, State Senate, Governor, Lieutenant Governor, or Attorney General, the apparent losing candidate for that office who also loses the recount has until 3 days after the conclusion of the recount (or the 30 days after Election Day, whichever date is later) to file notice of intent to contest. A candidate who was originally declared the winner and loses as a result of a recount may file notice of intent to contest the election within 10 days following the conclusion of the recount.

In elections for a Member of the U.S. Senate or U.S House of Representatives, Article I, section 5 of the U.S. Constitution provides that "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members." Similarly, Article IV, section 7 of the Virginia Constitution has a nearly identical provision. Va.irginia Code § 24.2-803 requires that contests for elections of General Assembly members must be filed with the respective clerks for decision by the affected body. ("Each house shall judge of the election, qualification, and returns of its members….; Va. Code § 24.2-803.

Comment [JK1]: This is in the Code, not the Const.

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To contest an election for the House of Representatives, a notice of intent to contest the election must be filed with the Clerk within thirty 30 days after the result of the election has been certified by the Department of Elections or Elections, or if there is a recount, within thirty 30 days after the recount Court court certifies the election result. (2 USC Chapter 12, particularly Sections 384 and 392)

The contestant "would have to formally petition the U.S. Senate for a probe into the election, and the Rules Committee has broad authority to investigate election cases, including conducting its own recount. The Rules panel, however, would have to vote to begin the inquiry, and historically, those probes have taken months if not years to complete. Any findings — such as whether an election was legitimate — would be forwarded to the full Senate with a recommendation on what, if any, action to take, which the Senate could then decide whether to take up."[1] A deadline for filing such a contest is not stated in federal law.[2]

As with recounts of elections for presidential electors, Virginia law provides an accelerated schedule for any contests of such presidential elections as well. The presidential candidate represents the vice presidential candidate and the candidates for electors (§ 24.2-807). The deadline for filing of the notice of intent to contest is 5:00 PM on the second calendar day following certification of the election by the Department of Elections. The contest "shall not wait upon the results of any recount" and must be concluded at least six 6 days before the time fixed for the convening of the electors (§ 24.2-805). Any recount or contest for an election for presidential electors would proceed simultaneously.

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| *Office* | *Notice of intent to contest is filed with* |
|---|---|
| Election of Presidential Electors | Circuit Court, City of Richmond |

[1] David M. Drucker & Emily Pierce, *"Democrats May Join Minnesota Fray,"* Roll Call, 12/8/08
[2] In the event of a U.S. Senate recount in Virginia, Department of Elections would ask the Parliamentarian of the Senate (through the state's other Senator(s)) if the rules at that time specify a deadline for filing a contest after the conclusion of a recount.

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| | |
|---|---|
| Primary for U.S. Senate* or Statewide Office | Circuit Court, City of Richmond |
| Presidential Primary | No contest provisions in Code of Virginia |
| Election for Governor, Lt. Governor or Attorney General | Clerk of the House of Delegates |
| Election for House of Delegates | Clerk of the House of Delegates |
| Election for State Senate | Clerk of the State Senate |
| Primary for U.S. House of Representatives*, House of Delegates or State Senate | Circuit Court where challenged candidate resides |
| Primary or Election for any county, city, town or district office | Circuit Court where challenged candidate resides |

## Persons Involved in the Recount

Electoral Boards – Give court and parties a list of all Officers of Election who served in the last election, with their party affiliations, etc. One electoral board member representing each party will be selected by the Recount Court to serve as one of the pair of ***Recount Coordinators*** for the locality.

Recount Officials – Each candidate or petitioner and governing body/chief executive officer (in the case of a referendum) involved in the recount may select an equal number of officers of election to serve as recount officials. Recount officials have the duty of counting the ballots, or redetermining the vote (if DREs). Recount officials will work in groups or pairs with the parties to the recount being equally represented.

Registrars – Permit parties to make copies of statements of results, machine tapes, printed return sheets, pollbooks (whether paper or in electronic format), and abstract of votes (original and corrected) for the election at issue, etc.

Recount Court – Upon receipt of the petition for recount, the Chief Judge of the court in which it was filed must alert the Chief Justice of the Virginia Supreme Court, who will thereafter appoint two judges to serve on the Recount Court. These three judges will constitute the Recount Court. The Recount Court will determine the procedures to be followed during the recount, what information will be accessible to the parties, and for which candidate, if any, a challenged ballot should be counted. which challenged ballots should be counted for a specific candidate.

Clerks of Court – Secure election materials, and certify security to recount court; be present and administer oaths on the day of the recount, ; deliver election materials to State Police after the recount for delivery to the Court.

Clerk of Recount Court – In addition to duties of all clerks (above), summons Recount Officials and is present at all hearings of the Recount Court.

Candidates – May be present. They are responsible for selecting which officers of election will serve as the recount officials representing their interest, based on the number established by the recount Recount cCourt. They may also send one authorized representative per team of recount officials to observe the process.

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## Preparations for the Recount

### Department of Elections, General Registrar(s), and Electoral Board Members

The Department of Elections' Standards for Recounts in Virginia Elections, (and accompanying Ballot Examples), provides details and guidance to help carry out Virginia's recount laws (§§ 24.2-800 - 24.2-802). The Code of Virginia directs:

> A. The Department of Elections shall promulgate standards for (i) the proper handling and security of voting and counting devices, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the counting device and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with Department of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.
>
> The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting devices in use in the election district. (§ 24.2-802)

As soon as it appears that a recount in a local, district, or state election may be possible, the General Registrar and Electoral Board Members from the impacted locality(ies) must begin making preparations.

Electoral Boards should first create a list of names of officers of election who served in the precincts subject to the recount. The political parties involved in the recount need this list to appoint *recount officials* from this group of officers of election. The number of recount officials necessary will be determined by the Recount Court.

General registrars should also begin assembling all appropriate forms for conducting the recount, and ensure that these forms are delivered to the Recount Coordinators.

### Duties of Clerk(s) of Court

Section § 24.2-802 of the Code of Virginia directs the Clerks of Court in a jurisdiction where there may be a recount to secure the ballots and election materials until the recount. This should be done under normal circumstances, but it is added into the recount laws for emphasis. Also, the Clerk is required to certify to the chief judge in the recount, as directed, that the proper security measures have been taken.

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In preparation for the recount, the clerks of the circuit courts shall (a) secure all ~~paper~~ printed ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge. (§ 24.2-802(A))

## Duties of the Chief Judge of the Recount Court

The Chief Judge must hold a preliminary hearing within 7 calendar days of the petition for recount unless the recount is requested for a presidential election, in which case it must be held within 5 calendar days. The Chief Judge will rule on motions and establish rules of procedure during the preliminary hearing, but such decisions are subject to review by the full Recount Court. The security measures adopted to secure materials after Election Day, and those going forward must be examined and established by the Chief Judge. The Chief Judge may also allow parties to examine election materials. The Chief Judge may also set the locations for the recount and may order the delivery of election materials to a central location, but such action is subject to review by the full Recount Court.

## Duties of the Recount Court

Once established, the Recount Court will hold a hearing. All motions and rules of procedure shall be finalized at this hearing. The parties (or their counsel) shall meet and confer and submit a proposed "Recount Procedural Order" and eventual "Final Order" for consideration by the three-judge Recount Court. If the parties do not agree, they will file competing legal memoranda and proposed orders. The Recount Court will also allow parties to the recount to select an equal number of officers of election to be Recount Officials. The date for submissions will be included in the Preliminary Order by the Recount Court.

The three-judge Recount Court shall supervise the recount and redetermination of the vote, with assistance from the Department of Elections and the local electoral boards.

## Terminology

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Throughout this document the terms "machine-readable ballot," "paper ballot," and "printed ballot" are used to describe physical ballots. The usage of terms is consistent with the definitions provided in Va Code § 24.2-101:

"*Machine-readable ballot*" means a tangible ballot that is marked by a voter or by a system or device operated by a voter and then fed into and scanned by a counting machine capable of reading ballots and tabulating results;

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"*Paper ballot*" means a tangible ballot that is marked by a voter and then manually counted; and

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"*Printed ballot*" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

A ballot's designation is based on ***how it was counted on election day.*** A machine-readable ballot that is manually counted during the recount should not be tallied as a *paper ballot* upon the recount paperwork.

The terms "ballot scanner machine," "ballot scanner," and "scanner" are used interchangeably throughout this document and within the recount forms.

# "Part One" - Recount Day in the City or County

## Check in and Logistics

The offices or other facilities for the recount will be provided ~~by~~ or arranged by the Clerks of Court and shall be of sufficient size for the purposes of the recount and shall allow for direct and proximate observation of the recount officials by the recount observers.
All participants at the recount, whether as officials or observers, should check in with the Clerk of Court, and a record should be kept of all attendees.

## Precinct Instructions for Recount Coordinators & Officials - All Voting Systems

Use appropriate instructions for any combination of

- ✓ ~~OPTICAL SCAN~~MACHINE-READABLE BALLOTS AND ~~TABULATOR~~BALLOT SCANNER MACHINES
- ✓ DIRECT RECORDING ELECTRONIC (DRE) MACHINE PRINTOUTS
- ~~✓ OPTICAL SCAN BALLOTS AND TABULATOR~~
- ✓ PAPER BALLOTS

Each Recount Team will complete one precinct at a time, under the supervision of Recount Coordinators.

### Materials

A copy of each of these instructions (SBE-802-SBS, this entire document) should have been provided previously to each Recount Coordinator and to the Clerk of Court.

The Recount Coordinators should have already provided a copy of the following to each Recount Official during training for the recount:

- The full section of this document titled "Part One" - Recount Day in the City or County" which includes the Precinct Instructions
- A sample copy of ~~SBE-802-PR - Recount Precinct Results for All Voting Systems~~SBE-802-PR - Recount Precinct Results for All Voting Systems
- A copy of the ~~Ballot Examples for Hand cCounting Paper or Paper-based Ballots for Virginia Elections or Recounts~~Ballot Examples for Hand ~~c~~Counting ~~Paper or Paper-~~

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~~based~~Printed Ballots for Virginia Elections or Recounts

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The following materials prepared for the recount must be provided for each precinct:

- **SBE-802-PR - Recount Precinct Results for All Voting Systems** (1 set per precinct. If no DRE was used in the precinct, the two pages with ~~sections~~ Parts ~~A~~B-1 through ~~A~~B-3 should not be provided to the Recount Officials. The other four pages will be used for all precincts.)
- **SBE-802-CB - Challenged Ballot Forms** (4 per page; multiple copies may be needed)
- **Challenged Ballots envelope** (have one per precinct on hand)
- **SBE-802-MA - Precinct Manual Tally Sheet** (an optional ~~new~~ form ~~which~~that can be used when hand counting ~~paper or optical scan~~printed ballots) (4 or more copies per precinct recommended, to keep paper and ~~optical scan~~machine-readable ballot counts separate, and so each officer can prepare tally while other officer counts ballots)
- **The memory card, cartridge, or other data storage medium (one per precinct)** ~~which~~that has been prepared especially for the recount if ~~optical scan~~machine-readable ballots are to be rerun through a tabulator during the recount.
  - It is recommended that the prepared cards, cartridges, or media be placed in the custody of the Clerk, to be released to the Recount Coordinators one precinct at a time with the other materials below.

The following materials will be released by the Clerk of Court to a Recount Coordinator upon request, one precinct at a time. The Coordinator will deliver them to the Recount Team that will recount that precinct.

- **Envelope #2** containing the
  - **POLLBOOKS and POLLBOOK COUNT Forms (all divisions)** (if paper pollbooks were used),
  - one copy of the **Statement of Results with machine tapes attached** (General Registrar will have the second copy, available for public inspection, after the canvass),
  - **Write-Ins Certification** (if cast on ~~paper~~ printed ballots or voting systems that do not include the names written-in and votes cast for each), and
  - **Incident Report**
- **Box/Envelope #3** containing the **COUNTED BALLOTS** (Envelope 3 may be combined with Envelope 5 so as to also contain outside poll envelopes).

And the following envelopes if used in the election:

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- **Envelope #7B** containing the voting equipment keys for ~~optical scan~~scanners and DRE dial/touchscreen voting systems
- **Envelope #7/7C** containing the voting equipment keys and memory cartridges for AVC Advantage DRE equipment and the data storage units and seals for ~~optical scan~~scanners and DRE dial/touch screen equipment;

**If ~~Optical Scan~~Machine-readable ballots are to be rerun through a tabulator during the recount** --

- **The memory card, cartridge, or other data storage medium** ~~which~~ that will be used for the precinct, and has been prepared ~~especially~~specifically for the recount.

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- It is programmed to count, as required by law, only the votes cast for the office or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes for that office or issue for hand counting.
- (If the card, cartridge, or medium could not be reprogrammed as required by the recount law, all ~~optical scan~~machine-readable ballots for the precinct will be hand counted by the recount team.)

- One **memory card, cartridge, or other data storage medium** for each precinct will be used to recount the ballots cast at the polling places in the district (including absentee ballots if counted at the precincts).
- If a Central Absentee Precinct (CAP) was used, one **memory card, cartridge, or other data storage medium** will be used to count the ~~optical scan~~machine-readable ballots ~~cards~~ of absentee voters whose ballots ~~cards~~ were originally handled by the tabulator for the CAP.
- NOTE: The **memory card, cartridge, or other data storage medium** used in the precinct (or Central Absentee Precinct) on Election Day to count ~~optical scan~~machine-readable ballots will remain sealed and in the custody of the Clerk. *It should not be needed during the recount*.
- (Counted provisional votes, even if voted on ~~optical scan~~machine-readable ballots, were originally hand counted by the ~~Electoral~~ electoral ~~Board~~ board and will be ~~hand counted~~treated in the recount as paper ballots. Provisional Ballots will be counted as a separate precinct, which is the same manner in which they were originally counted after Election Day).

## General Instructions

The Recount Officials will be divided into teams consisting of equal representatives for each party. Teams will be tasked with recounting ~~paper~~ printed ballots or redetermining votes cast on DREs. At least one team will insert ballots into electronic counting devices programmed to count only those votes cast for parties to the recount or for or against the question in a referendum recount.

There are only two Recount Coordinators appointed per locality. One Coordinator may need to supervise multiple teams. Coordinators may offer advice to the Recount Officials.

The Recount Officials may either enter the required data on the Recount Precinct Results form or may read each total aloud to the Recount Coordinator who will enter it and read it back for verification by the Recount Officials. (Recount Officials must sign the ~~last~~ first page, certifying the precinct results for each precinct that they recount.)

Only the Recount Officials may handle ballots. Recount Coordinators will deliver sealed election materials from the Clerk of Court, and return the resealed materials, one precinct at a time.

Each party to the recount (candidate) is allowed one observer per recount team. The observer may stand behind or sit to the outside of the Recount Officials as they work and may only watch and take notes. Observers must be close enough to see and hear what is happening. No observer may handle ballots, election materials, or recount materials. If an Observer has a question, it should be directed to the supervising Recount Coordinator -- not the Recount Officials -- without disturbing the proceedings.

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Members of the news media and the general public may also be in the room, but are not allowed to handle any official materials or disturb the proceedings in any way.

Some suggested table layouts --

1.
```
Observer    Official    Official    Observer
[-------------------Table---------------------]
[-----------------------------------------------]
[-----------------------------------------------]
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2.
```
                Official              Official
Observer  [------------Table----------]  Observer
          [----------------------------]
          [----------------------------]
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3.
```
                Official
          [----Table-----]  Official
Observer  [---------------]
          [---------------]  Observer
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For each precinct, the Recount Coordinators will ensure as the work progresses that the following data is entered on each form page as required work begins (if not previously entered):

1. The name of the county or city
2. The name/number of the precinct in which the election was conducted
3. The date of the election
4. The name of the office and the names of the two candidates involved in the recount (in the same order that they appeared on the ballot in the election)[3]

The Recount Coordinators will provide the necessary materials to the Recount Officials, one precinct at a time.

***Instructions for the SBE-802-PR – Recount Precinct Results*** ~~***for Fall Voting Systems Form***~~

- A highlighted line _____ indicates a number is to be filled in during this sequence of steps.
- A highlighted box with a hand and pencil means that this is a calculation.
- ~~A wavy line indicates columns or rows not copied into the example.~~

A note inside the field/data box provides instructions or crosschecks:

[3] If the recount is for a referendum, insert title of the question involved in the recount and its two separate responses, instead of the office and candidate names.

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- "Carry to C1(~~A~~i)" means to copy that figure to line C1, Column ~~A~~ (i) (Line numbers begin with the same letters as sections, so line C1 is in section C.)
- "Should = C1(~~B~~ii)" is a crosscheck letting the official know that the numbers should be the same. (If not, the official should recheck data entry and math before going any further).
- "Line A2 Total" tells the source of the number for that box -- copy it from there.
- A column titled "calculation or source" identifies the math or source used to fill in the next column.
- And "=B4+B5" and "=B2-B3" are ~~, of course,~~ instructions to arrive at the calculated number.

| ~~Part A - 1 -- DRE Voting Machines (Serial # and Number of Voters)~~ | | ~~Calculation or Source~~ | ~~VM-1 or Consolidation Tape*~~ | ~~VM-2 *[etc....]*~~ | |
|---|---|---|---|---|---|
| ~~A1~~ | ~~Machine Serial Number~~ | ~~Machine Tag or Tape~~ | | | ~~Total Voters~~ |
| ~~A2~~ | ~~Total Number of Voters Who Voted on This DRE~~ | ~~Public Counter or Tape~~ | | | ~~Carry to C1(A)~~ |
| ~~Part A - 2 -- Certification of DRE Machine Results for Precinct~~ | | ~~Calculation or Source~~ | ~~VM-1 or Consolidation Tape*~~ | ~~VM-2 *[etc...]*~~ | ~~Candidate Totals~~ |
| ~~A3~~ | ~~Candidate Name~~ ~~( )~~ | ~~Machine Tape~~ | | | ~~Carry to C1(C)~~ |
| ~~A4~~ | ~~Candidate Name~~ ~~( )~~ | ~~Machine Tape~~ | | | ~~Carry to C1(D)~~ |
| ~~A5~~ | ~~*Total votes for both candidates on DRE(s)*~~ | ~~= A3 + A4~~ | | | ~~Should=C1(B)~~ |
| ~~A6~~ | ~~*DRE ballots undervoted or voted for other candidates (this office)*~~ | ~~= A2 - A5~~ | | | ~~Carry to C8(G)~~ |

| Part B - 2 – Certification of DRE Machine Results for Precinct | | Calculation or Source | VM-1 or Consolidation Tape[4] | VM-2 | VM-3 | VM-4 | VM-5 | VM-6 | Candidate Totals | |
|---|---|---|---|---|---|---|---|---|---|---|
| B3 | Candidate Name _____ ( ) | Machine Tape | | | | | | | Should = C4(ii) | B3 |
| B4 | Candidate Name _____ ( ) | Machine Tape | | | | | | | Should = C4(iii) | B4 |
| B5 | Total votes for both candidates on DRE(s) | = B3 + B4 | | | | | | | Should = C4(iv) | B5 |
| B6 | DRE ballots undervoted or voted for other candidates (this office) | = B2 - B5 | | | | | | | Carry to C8(iii) | B6 |

| Part B - 1 – DRE Voting Machines (Serial # and Number of Voters) | | Calculation or Source | VM-1 or Consolidation Tape[4] | VM-2 | |
|---|---|---|---|---|---|
| B1 | Machine Serial Number | Machine Tag or Tape | | | Total Voters |
| B2 | Total Number of Voters Who Voted on This DRE | Public Counter or Tape | | | Carry to C4(i) |
| **Part B - 2 – Certification of DRE Machine Results for Precinct** | | **Calculation or Source** | **VM-1 or Consolidation Tape[4]** | **VM-2** | **Candidate Totals** |
| B3 | Candidate Name _____ ( ) | Machine Tape | | | Should = C4(ii) |
| B4 | Candidate Name _____ ( ) | Machine Tape | | | Should = C4(iii) |
| B5 | Total votes for both candidates on DRE(s) | = B3 + B4 | | | Should = C4(iv) |
| B6 | DRE ballots undervoted or voted for other candidates (this office) | = B2 - B5 | | | Carry to C8(iii) |

## A. Preparing for and Evaluating ~~Optical Scan~~Machine-readable Ballots

### i. If ~~Optical Scan~~Machine-readable ballots are to be rerun, prepare the ~~electronic counting device~~ballot scanner machine.

1. Insert the **MEMORY CARD, CARTRIDGE, OR OTHER DATA STORAGE MEDIUM** for the precinct to be counted.

3. Turn the ~~device~~machine **ON.**

4. Produce a **ZERO** printout.

5. Verify that all totals on the **ZERO** printout, including the ballots cast, and the total on the Public Counter on the front of the ~~device~~machine read **0000.**

6. Record the **Serial Number** from this ~~Optical S~~scanner in the **Recount Precinct Results, Part A, line A1** under **"Scanner 1."**

7. Read the number from the **Public Counter** aloud and enter it in the **Recount Precinct Results, Part A, line A3 ("Before Recount")** under **"Scanner 1."**

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8. If two scanners are used, repeat steps 1-7, filling in under **"Scanner 2"** for steps 6 and 7.

9. Feed ballots.

## ii. Insert ~~Optical Scan~~Machine-readable ballots ~~cards~~ for precinct into ~~electronic counting device~~ballot scanner machines

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1. Open **Box/Envelope #3** containing **COUNTED BALLOTS** for the precinct being counted.

2. As they are removed from the box/envelope, **set aside the paper ballots for separate hand counting** (face down); "Paper ballots" in a precinct that also uses ~~an optical scan tabulator~~ballot scanner machines may include:
   - traditional paper ballots
   - official reproductions of paper ballots or ~~optical scan~~machine-readable ballots
   - ballots sent to military or overseas voters by email or fax and printed by the voters (if absentee ballots are counted in the precinct -- or if precinct being recounted is the CAP)
   - Federal Write-In Absentee Ballots (FWABs) from military or overseas voters (if absentee ballots are counted in the precinct -- or if precinct being recounted is the CAP). See 11.2.2010 Emergency Declaration of Secretary of Department of Elections.

   All p~~P~~aper ballots were originally counted by hand, and must be recounted by hand, separately from the ~~optical scan~~machine-readable ballots.

3. Feed all ~~**Optical Scan**~~**Machine-readable** ballots ~~cards~~ into the ~~counting device~~ scanner without examination of any ballot ~~card~~.

4. If the ~~counting device~~scanner indicates that for the office being recounted the ballot was **overvoted or undervoted**, or the ballot contains a **write-in** vote for that office, it must be **separated out to be counted by hand**. The ~~tabulator~~scanner ~~w~~should have been programmed to ~~sort~~reject these ballots so that they can separately hand counted. If so, simply set that ballot aside (face down) for hand counting.

   If the machine is instead programmed to accept the **write-in** ballots, but automatically divert them into a separate "write-in" bin, do not include these ballots in the number provided on **Line A5** for *"Number of Manually Counted Machine-readable Ballots."* These ballots will be accounted for on paperwork in the total number of ballots scanned. The ballots ***must still be hand-counted*** the same as overvoted and undervoted ballots ***after separation***, but should not be accounted for twice on the paperwork.

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| Part A - 2 – Certification of Precinct Manual Count | | Calculation or Source | Total | |
|---|---|---|---|---|
| A5 | Number of *Manually* Counted Machine-readable Ballots[2] | Count | Carry to C2(i) | A5 |

~~these into the "write-in" bin automatically if possible, but may have been programmed to alert the operator in some cases instead. If so, simply set that ballot aside (face down) for hand counting.~~

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If any ~~**Optical Scan**~~**Machine-readable ballot** ~~card~~ is so **damaged** that the counting device will not accept it, it must also be set aside for hand counting.

5. Both Recount Officials must verify that the **Box/Envelope #3** container is empty, that all ~~**Optical Scan**~~**Machine-readable ballots** ~~cards~~ have been inserted in the ~~counting device~~scanner, and that all **paper ballots** have been **set aside** for separate hand counting.

6. Repeat steps 1 - 5 above for any additional **Box/Envelope #3** containers of **COUNTED BALLOTS** for that precinct.

## iii. Obtain results determined by the electronic counting device

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1. When all ~~Optical~~Machine-readable ~~Scan~~ ballots for the precinct have been inserted in the ~~counting device~~scanner, read the number from the **Public Counter** aloud and enter it in the **Recount Precinct Results, Part A, line A2** ("After Recount"). Subtract **line A3** from **line A2**, and enter it on the form in **line A4** (public counter difference).

   If two scanners are used, enter values for both **"Scanner 1"** and **"Scanner 2."** Then **add** the values for **"Scanner 1"** and **"Scanner 2"** on **line A2**, and enter the total on **line A2, under "Total (Scanner 1 + Scanner 2)." Repeat for lines A3 and A4.**

| Part A - 1 – Certification of Precinct Optical Scan Ballot Counter | | Calculation or Source | Scanner 1 | Scanner 2[1] | Total (Scanner 1 + Scanner 2) |
|---|---|---|---|---|---|
| A1 | Optical Scanner Serial Number (used to recount this precinct, if applicable) | From Machine | | | |
| A2 | Number on This Scanner's Public Counter – After Recount (if applicable) | Public Counter | | | |
| A3 | Number on This Scanner's Public Counter – Before Recount (if applicable) | Public Counter | | | |
| A4 | **Public Counter Difference** (Must Equal the Number of Ballots Read By the Optical Scanner During Recount [From Tape]) | = A2 – A3 | | | Carry to C1(i) |

| Part A - 1 – Certification of Precinct Ballot Scanner Machine Counter | | Calculation or Source | Scanner 1 | Scanner 2[1] | Total (Scanner 1 + Scanner 2) | |
|---|---|---|---|---|---|---|
| A1 | Ballot Scanner Machine Serial Number (used to recount this precinct, if applicable) | From Machine | | | | A1 |
| A2 | Number on This Scanner's Public Counter – After Recount (if applicable) | Public Counter | | | | A2 |
| A3 | Number on This Scanner's Public Counter – Before Recount (if applicable) | Public Counter | | | | A3 |
| A4 | **Public Counter Difference** (Must Equal the Number of Ballots Read By the Scanner During Recount [From Tape]) | = A2 – A3 | | | Carry to C1(i) | A4 |

2. Run one printout to obtain the recount results for the precinct:

   a) Produce the **FINAL RESULTS** tape.

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b) Remove the ~~**OPTICAL SCAN**~~**MACHINE-READABLE ballots** ~~cards~~ from the ballot compartments, ~~—~~return them to the **COUNTED BALLOTS** container(s), and seal it (them).

c) Remove the printout with **ZERO** report and the **FINAL RESULTS** intact.

3. **Record the data from the** ~~**counting device**~~**ballot scanner machine tape** on the **Recount Precinct Results** form:

a) Enter the **total** ~~**Optical Scan**~~**Machine-readable ballots** ~~**cards**~~ **read** in **Part C, line C1, column (i). This number *must match*** the public counter difference previously entered in **Part A, line A4**. If the numbers do not match, first recheck the counter numbers and number of ballots entered on the form, and the math. If they still do not match, ask for the advice of the Recount Coordinator.

b) Read aloud the name of the first candidate involved in the recount and the number of votes cast for first candidate and enter the total in **line C1, column (ii),** double-checking that each number is copied to the column for the appropriate candidate.

c) Read aloud the name of the second candidate involved in the recount and the number of votes cast for the second candidate and enter the total in **line C1, column (iii),** double-checking that each number is copied to the column for the appropriate candidate.

d) Add together the number of ~~optical scan~~machine-readable ballots counted ~~read~~ by the ~~counting device~~scanner for **both** candidates and enter the total in **line C1, column (iv)**.

| **Part C** - Certification of Official Ballots | | | | | |
|---|---|---|---|---|---|
| **VOTES CAST FOR CANDIDATES IN RECOUNT**<br>**IMPORTANT:**<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | | **(i)**<br>Total Number Voting | **(ii)**<br>Candidate Name<br>_____<br>_____<br>_____<br>( ) | **(iii)**<br>Candidate Name<br>_____<br>_____<br>_____<br>( ) | **(iv)**<br>Total Cast for Candidates<br>**(ii) + (iii)** |
| **C1** | **Total Ballots Read by Optical Scanner in Recount** (From tape; when finished attach tape to back of page with Part A.) | **A4**<br>**Total =** _____ | _____ | _____ | |

| **Part C** - Certification of Official Ballots | | | | | | |
|---|---|---|---|---|---|---|
| **VOTES CAST FOR CANDIDATES IN RECOUNT**<br>**IMPORTANT:**<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | | **(i)**<br>Total Number Voting | **(ii)**<br>Candidate Name<br>_____<br>_____<br>_____<br>( ) | **(iii)**<br>Candidate Name<br>_____<br>_____<br>_____<br>( ) | **(iv)**<br>Total Cast for Candidates<br>**(ii) + (iii)** | |
| **C1** | **Total Ballots Read by Ballot Scanner Machine in Recount** (From tape; when finished attach tape to back of page with Part A.) | **A4**<br>**Total =** _____ | | | | **C1** |

e) Enter the precinct code on the ~~**OPTICAL**~~ **BALLOT SCANNER MACHINE RECOUNT TAPE** and **staple it** to the back (behind the top right) of the **RECOUNT - PRECINCT RESULTS page containing Part A.** (See instructions at the top of that page.)

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## iv. Hand count ~~Optical Scan~~Machine-readable ballots previously set aside

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Any ~~Optical Scan~~Machine-readable ballots set aside from the steps above must be counted by hand.

A second team of Recount Officials may be used to count the ballots by hand.

1. ~~1.~~ Count **all** set aside **~~Optical Scan~~Machine-readable** ballots (preferably with the office being recounted face down) without examining how they were cast. When both officials agree on the total count, enter the total on the **Recount Precinct Results** in **Part A, line A5**. Enter the same total in **Part C, line C2, column (i)**.

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   (Remember that write-in ballots *should not* be included in this number if the scanner accepted the ballots and diverted them to a separate write-in bin).

   (Remember that paper ballots must be counted separately. If any are found among the set aside ~~Optical Scan~~Machine-readable ballots, put them with the other paper ballots.)

| | | | |
|---|---|---|---|
| A5 | Number of *Manually* Counted Optical Scan Ballots[1] | Count | Carry to C2(i) |
| A5 | Number of *Manually* Counted Machine-readable Ballots[2] | Count | Carry to C2(i) A5 |

2. Examine each of the **~~Optical Scan~~Machine-readable ballots** to be counted and separate them into the following stacks (refer to the ~~ballot examples~~ ballot examples in the "~~Standards for Recounts of Virginia Elections~~Hand Counting Printed Ballots for Virginia Elections or Recounts" if there is any question about how to count a mark).

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   During the sort, an official should lay each ballot face up on the table in the following stacks so that both officials and all observers can clearly see each ballot as it is sorted.

   (1) and (2) One stack each for ballots clearly voted for either candidate involved in the recount

   (3) Ballots either not voted for the office (undervoted) or not voted for candidates in the recount

   (4) Ballots clearly voided by the voter for the office per § 24.2-663 (overvoted or title of office erased)

   (5) Ballots challenged by either Recount Official (or the Officials cannot initially determine or agree how to count it)

   After the first sort, re-examine the ballots in stacks 1-4 to make sure that each ballot is in the appropriate stack.

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***SBE-802-MA Precinct Manual Recount Tally Sheet*** is an optional form that may help Recount Officials when there are many ballots to hand count. If using it, complete the appropriate blanks/boxes at the top of the form and the candidates' names if not already completed. It covers each of the separate categories represented by the "stacks" and those counted/recorded in the procedures below. The final counts must still be recorded on the Recount Precinct Results form, as directed below.

The basic procedure for manually counting each stack (separately, when directed to do so below) is:

a. One Recount Official should count the ballots while the other closely observes.
b. Count the ballots by laying each ballot with the office being recounted face up on the table so that both officials and all observers can clearly see each ballot as it is counted.
c. Then the other official should count the same ballots while being closely observed by the first.
d. The official observing may use Department of Elections' Manual Recount Tally Sheet.
e. If the two officials do not arrive at the same number, repeat.

3. Re-examine all **~~Optical Scan~~Machine-readable ballots** in the "challenge" stack. Refer to the ~~Ballot Examples.~~ Ballot Examples. If the two Recount Officials agree on how to count the ballot, place the ballot in the appropriate other stack (1-4 above).

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If both Recount Officials cannot agree, or they cannot determine how or whether to count a ballot, at least one of them must officially "challenge" the ballot.

a. For each challenged ballot, complete the form entitled **STATEMENT OF RECOUNT OFFICIAL - CHALLENGED BALLOT (SBE-802CB)**, setting forth the reason(s) for the challenge. The officer challenging must ~~S~~sign the form and attach it to the ballot. This ballot will go to the Recount Court for a decision.

b. When all the ballots remaining in the "challenge" stack have been officially challenged, count the **~~Optical Scan~~Machine-readable ballots** being challenged and, when both officials agree on the number, enter total in **Part C, line C9, column (i)** of the **Recount Precinct Results** form.

c. Place the signed challenged ballot statements and attached ballots in the **Challenged Ballots envelope** for the precinct, and enter the name/number of the precinct. DO NOT enter the number of challenged ballots on the envelope at this time. DO NOT SEAL IT at this time. Set the envelope containing **CHALLENGED BALLOTS** aside.

4. Count all **~~Optical Scan~~Machine-readable ballots** overvoted or voided and, when both officials agree on the count, enter total in **line C7, column (i)** of the Recount Precinct Results form. Return voided ballots to **Box/Envelope #3**.

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5. Count all ~~**Optical Scan**~~**Machine-readable ballots** not voted (undervoted) or not voted for candidates involved in the recount and, when both officials agree on the count, enter total in **line C8, column (i)**. Return these ballots to **Box/Envelope #3**.

| | | | | | | |
|---|---|---|---|---|---|---|
| C7 | Overvoted Ballots (plus ballots otherwise voided by Voter) § 24.2-663 | Machine-readable | Paper | | C7(i) + C7(ii)= | C7 |
| C8 | Ballots Undervoted or Voted for Other Candidates | Machine-readable | Paper | DRE | C8(i) + C8(ii) + C8(iii) = | C8 |
| C9 | Challenged Ballots (enclosed in attached envelope) | Machine-readable | Paper | | C9(i) + C9(ii) = | C9 |

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| | | (i) | (ii) | (iii) | (iv) |
|---|---|---|---|---|---|
| C7 | *Manually* Counted Ballots Voided by Voter (Includes Overvoted; § 24.2-663) *[For C7 - C9, list separately by ballot voting system]* | Optical Scan | Paper | | C7(i) + C7(ii)= |
| C8 | Ballots Undervoted or Voted for Other Candidates | Optical Scan | Paper | DRE | C8(i) + C8(ii) + C8(iii) = |
| C9 | Challenged Ballots (enclosed in attached envelope) | Optical Scan | Paper | | C9(i) + C9(ii) = |

6. Now count the ~~**Optical Scan**~~**Machine-readable ballots** voted for each of the two candidates in the recount (stacks 1 & 2). Count one candidate's ballots at a time.

   When both officials agree on the count, enter each count on **Line C3, in either Column (ii) or (iii), as appropriate** of the **Recount Precinct Results** form, double-checking that each count is listed under the appropriate candidate.

7. Add together the number of ~~**Optical**~~**Machine-readable** ~~**Scan**~~ **ballots** voted for **both** candidates and enter the total in **line C2, column (iv)**.

| Part C - Certification of Official Ballots | | | | | |
|---|---|---|---|---|---|
| VOTES CAST FOR CANDIDATES IN RECOUNT<br>IMPORTANT:<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | | (i)<br>Total Number Voting | (ii)<br>Candidate Name<br>( ) | (iii)<br>Candidate Name<br>( ) | (iv)<br>Total Cast for Candidates<br>(ii) + (iii) |
| C2 | Total Optical Scan Ballots *Manually* Counted in Recount | A5<br>Total = | | | |

| Part C - Certification of Official Ballots | | | | | | |
|---|---|---|---|---|---|---|
| VOTES CAST FOR CANDIDATES IN RECOUNT<br>IMPORTANT:<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | | (i)<br>Total Number Voting | (ii)<br>Candidate Name<br>( ) | (iii)<br>Candidate Name<br>( ) | (iv)<br>Total Cast for Candidates<br>(ii) + (iii) | |
| C2 | Total Machine-readable Ballots *Manually* Counted in Recount | A5<br>Total = | | | | C2 |

## B. Count the paper ballots

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Take the paper ballots ~~which~~that were set aside as they were removed from **Box/Envelope #3** and **count the paper ballots** as follows.

If a second team of Recount Officials was used to count the ~~Optical Scan~~Machine-readable ballots by hand, this second team should also count the paper ballots.

1. Count **all paper ballots** that have the office being recounted listed without examining how or whether the voter voted for the office. When both officials agree on the total number, enter the total in **Part C, line C3, column (i)** of the **Recount Precinct Results** form.

| | | (i) Total Number Voting |
|---|---|---|
| C3 | **Total Paper Ballots Counted in Recount** | **A6 Total =** |

Enter the same number in **Part A, line A6.**

| | | | | |
|---|---|---|---|---|
| A6 | Number of Paper Ballots Counted in Recount[2] (DOES NOT INCLUDE MANUALLY COUNTED OPTICAL SCAN BALLOTS) | Count | Carry to C3(i) [3] | |
| A6 | Number of Paper Ballots Counted in Recount[2] (DOES NOT INCLUDE MANUALLY COUNTED MACHINE-READABLE BALLOTS) | Count | Carry to C3(i) [3] | A6 |

2. If the number entered in **Part A, line A6** is not the same as the numbers ~~previously~~ entered in A7 and A8, recount officials should explain the reasons for the difference -- as best they know or can determine -- on the reverse side of the page containing Part A. (For example, if the difference is due to X number of federal only ballots and the recount is for a state or local office.)

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(Recent recount court orders have required all the pollbooks and ballots for the precinct to be referred to the court if the number of paper ballots actually cast is not the same as the number of paper ballots indicated on the pollbook. The Recount Coordinator should be immediately informed if the numbers are not the same, and will know if the court order in the current recount contains instructions regarding this matter.)

3. If the total number of **paper** ballots in **Part A, line A6** does not exceed the total number voting by paper ballot in **Part A, line A7**, enter ZERO (0) in **Part C, line C6, column (iv) (paper ballots drawn)**;

4. If the total number of **paper ballots** in **Part A, line A6** exceeds the total number voting on paper ballots in **Part A, line A7** and no error is found, first consult with your Recount Coordinator. Recent recount orders have directed that the materials be sent to the Recount Court in this situation, not drawn down. The Recount Coordinator will know if the court order in the current recount contains instructions

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regarding this matter. If the court order is silent on this situation, the following procedures must be followed (§ 24.2-662):

a. Return all **paper ballots** to a container.

b. Have one of the Recount Officials, blindfolded, draw out the number of **paper ballots** necessary to reduce the total number to the number reported voting on paper ballots.

c. Mark the drawn **paper ballots** "**DRAWN AND NOT COUNTED**", and return them to **Box/Envelope #3**. Enter number drawn in **Part C, line C6, column (iv)**.

5. **To count the paper ballots, follow the same procedures described above in Section A under "~~G~~iv. Hand count ~~Optical Scan~~ Machine-readable ballots previously set aside" with the differences below.** (The only difference for most of the "stacks" -- other than challenged ballots -- is where the information for the paper ballots is recorded on the Recount Precinct Results form.)

a. Place the **signed, challenged ballot statements** and **attached paper ballots** in the **Challenged Ballots envelope** for the precinct, and enter the name/number of the precinct if not previously entered. Enter the total number of challenged ballots (~~optical scan~~machine-readable and paper) on the envelope and complete any other information required. **SEAL** the Challenged Ballots envelope. Set the envelope containing **CHALLENGED BALLOTS** aside.

Enter the number of **challenged paper ballots** in Part C of the Recount Precinct Results form in **line C9, column (ii) (paper)**.

b. Enter total number of **paper ballots overvoted, or voided** in **line C7, column (ii)** of the Recount Precinct Results form. Return voided paper ballots to **Box/Envelope #3**.

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c. Enter the total number of **paper ballots** not voted or not voted for candidates involved in the recount in **line C8, column (ii)**. Return these paper ballots to **Box/Envelope #3**.

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| | | (i) | (ii) | (iii) | (iv) |
|---|---|---|---|---|---|
| C6 | | Paper Ballots Drawn (during recount) (§ 24.2-802) | | | |
| C7 | *Manually* Counted Ballots Voided by Voter (Includes Overvoted; § 24.2-663) *[For C7 - C9, list separately by ballot voting system]* | Optical Scan | Paper | | C7(i) + C7(ii)= |
| C8 | Ballots Undervoted or Voted for Other Candidates | Optical Scan | Paper | DRE | C8(i) + C8(ii) + C8(iii) = |
| C9 | Challenged Ballots (enclosed in attached envelope) | Optical Scan | Paper | | C9(i) + C9(ii) = |

| | | (i) | (ii) | (iii) | (iv) | |
|---|---|---|---|---|---|---|
| C6 | | Paper Ballots Drawn (during recount) (§ 24.2-802) | | | | C6 |
| C7 | Overvoted Ballots (plus ballots otherwise voided by Voter) § 24.2-663 | Machine-readable | Paper | | C7(i) + C7(ii)= | C7 |
| C8 | Ballots Undervoted or Voted for Other Candidates | Machine-readable | Paper | DRE | C8(i) + C8(ii) + C8(iii) = | C8 |
| C9 | Challenged Ballots (enclosed in attached envelope) | Machine-readable | Paper | | C9(i) + C9(ii) = | C9 |
| C10 | | TOTAL [Add C5 through C9 in column (iv) **Should equal C5 column (i)** | | | Carry to D5 and D10 | C10 |

d. Now count the **paper** ballots voted for each of the two candidates in the recount (stacks 1 & 2). Count one candidate's ballots at a time.

When both officials agree on the count enter each count on **Line C3, in either Column (ii) or (iii), as appropriate** of the **Recount Precinct Results** form, double-checking that each count is listed under the appropriate candidate.

e. Add together the number of **Paper ballots** voted for **both** candidates and enter the total in **line C3, column (iv)**.

| Part C - Certification of Official Ballots | | | | | |
|---|---|---|---|---|---|
| VOTES CAST FOR CANDIDATES IN RECOUNT<br>IMPORTANT:<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | | (i)<br>Total Number Voting | (ii)<br>Candidate Name<br>( ) | (iii)<br>Candidate Name<br>( ) | (iv)<br>Total Cast for Candidates<br>(ii) + (iii) |
| C3 | Total Paper Ballots Counted in Recount | A6<br>Total = | | | |

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## C~~A~~. One precinct at a time, Open Envelope #2; Record DRE Results

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Open the **Envelope #2** and remove the *Statement of Results* with the attached **DRE** machine results printouts (tapes). Fold the *Statement of Results* back so only the *Consolidated* printout is visible. (If there is no *Consolidated* printout, or it does not include all DRE machines used in the precinct, see 1-e below.)

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Both Recount Officials should examine the *Consolidated* printout for the precinct (also letting the observers see it clearly, but not handle it) and:

1. From that printout, enter the following information on the **SBE-802-PR -- Recount Precinct Results for All Voting Systems** form.

   a. In **Part ~~A~~B-1, DRE Voting Machines,** enter the number of votes recorded as voting on all machines (from Consolidation printout) under **VM-1 (voting machine 1), line ~~A2~~B2**;

   b. In **Part ~~A~~B-2, Certification of DRE Machine Results for Precinct**, enter the votes cast for each of the two candidates in the recount under **VM-1 (voting machine 1), lines ~~A3~~ B3 and ~~A4~~B4**;

   c. Enter the **serial number** of each machine from which results were added by the *Consolidation* machine in the blanks provided at the bottom of the page below Part ~~A~~B-2. ↓

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* If **consolidation tape** available, list total number of voters and results for recount candidates from consolidation tape under **VM-1 above** and **list all serial numbers for DREs included in the consolidation tape below**. If any DRE is not included in the consolidation tape, list the serial number and results for each such machine under VM-2, etc. Use additional copies of page if needed.

_____ _____ _____ _____ _____

If the Recount Officials have any doubt that the *Consolidated* printout includes the results from every DRE used in the precinct in the election, they should check the machine serial numbers on the *Consolidated* printout against the serial numbers listed on the back of **Envelope # 7/7C**. If any DRE used in the election is not listed on the *Consolidated* printout, follow steps under "e" below.

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   d. If the *Consolidated* printout is not clear, contact the Recount Coordinator and, if so advised by the Recount Coordinator, reprint the *Consolidated* printout if possible.

   e. If there is no *Consolidated* printout or it is not clear, and it cannot be reprinted, or it does not include the results for every machine in the precinct -- proceed as follows:

   If the *Consolidated* printout does not include the results from every DRE used in the precinct in the election:
   - ✓ Enter the *Consolidated* printout results under VM-1, lines ~~A2~~B2, ~~A3~~ B3 and ~~A4~~ B4 (number of voters, and votes cast for the two candidates);
   - ✓ Enter the serial numbers of every machine with results included in the *Consolidated* printout at the bottom of the page below Part ~~A~~B-2 in the blanks provided.
   - ✓ For each machine not included in the *Consolidated* printout, from the individual DRE machine tapes, enter the machine serial number, number of voters who voted on this DRE and votes for each candidate in the recount on the appropriate lines under columns VM-2, VM-3, etc., until the results for all machines not listed on the

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*Consolidated* printout have been recorded. If an additional page is needed, continue to another copy of the *Recount Precinct Results* page containing Parts ~~A~~B-1 and ~~A~~B-2, manually crossing out and renumbering the machine number headings on the second page (VM-1 becomes VM-7 on page 2, etc.).

If there is no *Consolidated* printout and it cannot be reprinted, list the results from each DRE machine from the individual printouts under columns V-1, etc. (rows ~~A1~~ B1 through ~~A4~~B4)~~.~~ as described above.

- ✓ Double check the machine serial numbers listed on the R*ecount Precinct Results* (Parts ~~A~~B-1 and ~~A~~B-2) against the serial numbers listed on the back of the 7/7C envelope to make sure that all of the machines have been listed.

2. If an individual or *Consolidated* machine tape is not clear or not available and the Recount Coordinator advises that it must be rerun from the machine, complete the questions in **Part ~~A~~B-3**. Then, only examine the seals of the machines from which tapes are being rerun, comparing them to the information recorded on election night on the back of **Envelope # 7/7C.** ➓

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**Part ~~A~~ B - 3 -- If DRE Tape(s) Must Be Rerun**

Complete this part if any DRE tape from the precinct was missing or not clear, and the recount officers were directed to rerun the tape(s). Compare the seal on the each machine opened to the to the final seal number listed for that machine on the key envelope.

**I. Do the seal and key envelope numbers for the reopened machine(s) agree?** ☐ YES ☐ NO

If **NO**, mark the serial number of the ~~serial~~ machine on which a discrepancy was found with a check (✓) in Part ~~A~~B-1 on previous page and complete A through E below. Attach the precinct Statement of Results from the election (including all pages and attached tapes).

A. Machine#: _____

B. _____ C. _____ D. _____ E. _____

Number on Protective Counter | Number on Public Counter | # on key envelope | # on machine seal

**II. Seal(s) intact?** ☐ YES ☐ NO

If **NO**, mark that machine number with an asterisk (*) in Part ~~A~~B-1 on previous page. Enter, on the reverse side of this page, a description of the machine condition and complete lines F through H below. Attach the precinct Statement of Results from the election (including all pages and attached tapes).

F. Machine#: _____ G._____ H. _____

Number on Protective Counter | Number on Public Counter

---

3. Calculate the total votes cast for the two candidates in the recount, under each **VM** column, in **line ~~A5~~ B5 (~~A3~~ B3 + ~~A4~~B4)**. Then calculate the Total Voters on DREs in **line ~~A2~~ B2** (adding across), the DRE totals for each respective candidate in **lines ~~A3~~ B3 and ~~A4~~ B4** (adding across), and the total votes cast on DREs for both candidates in **line ~~A5~~ B5** (adding across).
   - ✓ Double-check: the total votes on all DRE machines for the two candidates in the recount, calculated in the last column of line **~~A5~~ B5** by adding across that line, must equal the totals for the two candidates adding down the last column of totals from rows **~~A3~~ B3** and **~~A4~~B4**.

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Now calculate the number of voters who undervoted this office or voted for another candidate by **subtracting ~~A5~~ B5 from ~~A2~~ B2 in each column** and put the result in the field **~~A6~~B6**. Add across that line and enter the total in the last column.

4. From **Part ~~A~~B-1**, carry the total number of voters from the **last (total) column of line ~~A2~~ B2** over to **Part C, line ~~C1~~C4, column ~~A~~(i), (Total DRE Machine Count/Total Number Voting)**.

5. From **Part ~~A~~B-2**, carry the candidate totals from the **last (total) column in lines ~~A3~~ B3 and ~~A4~~ B4** over to **Part C, line ~~C1~~C4, columns ~~C~~ (ii) and ~~D~~(iii),** double-checking that each number is copied to the column for the appropriate candidate.

   i. The candidates should have already been listed in both forms in the same order -- ~~A3~~ B3 should be the same candidate in Part C, column ~~C~~(ii), and ~~A4~~ B4 the same as column ~~D~~ (iii) -- but check that they are actually properly placed. If not, correct the references to Lines ~~A3~~ B3 and ~~A4~~ B4 in line ~~C1~~ C4 and initial the change (both officers). Do not change or move the candidate names already listed on the pages.

6. Add the candidate totals entered **line ~~C1~~C4, columns ~~C~~ (ii) and ~~D~~ (iii)** for the two candidates and enter the total in **line ~~C1~~C4, column ~~B~~(iv)**. Check that this total is the same number entered in the **total column of line ~~A5~~B5.**

| Part C - Certification of Official Ballots | | | | |
|---|---|---|---|---|
| **VOTES CAST FOR CANDIDATES IN RECOUNT**<br>**IMPORTANT:**<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | **(i)**<br>Total Number Voting | **(ii)**<br>Candidate Name<br>_____<br>_____<br>_____<br>_____<br>( ) | **(iii)**<br>Candidate Name<br>_____<br>_____<br>_____<br>_____<br>( ) | **(iv)**<br>Total Cast for Candidates<br>**(ii) + (iii)** |
| **C** **Total DRE Machine Count**<br>[If no DREs used, mark each "0".] | **B2**<br>**Total =** | SHOULD = LINE B3 TOTAL | SHOULD = LINE B4 TOTAL | SHOULD = LINE B5 TOTAL |

| Part C - Certification of Official Ballots | | | | | |
|---|---|---|---|---|---|
| **VOTES CAST FOR CANDIDATES IN RECOUNT**<br>**IMPORTANT:**<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | **(i)**<br>Total Number Voting | **(ii)**<br>Candidate Name<br>_____<br>_____<br>_____<br>( ) | **(iii)**<br>Candidate Name<br>_____<br>_____<br>_____<br>( ) | **(iv)**<br>Total Cast for Candidates<br>**(ii) + (iii)** | |
| **C4** **Total DRE Machine Count**<br>[If no DREs used, mark each "0".] | **B2**<br>**Total =** | SHOULD = LINE B3 TOTAL | SHOULD = LINE B4 TOTAL | SHOULD = LINE B5 TOTAL | **C4** |

| ~~Part C - Certification of Official Ballots~~ | | | | |
|---|---|---|---|---|
| ~~VOTES CAST FOR CANDIDATES IN RECOUNT~~<br>~~(In lines C1 through C5, include only ballots cast for candidates who are parties to the recount and whose names are listed at right. Account for all other ballots in lines C6 through C9.)~~ | ~~(A)~~<br>~~Total Number Voting~~ | ~~(B)~~<br>~~Total Cast for Candidates (C + D)~~ | ~~(C)~~<br>~~Candidate Name~~<br>~~_____~~<br>~~_____~~<br>~~_____~~<br>~~( )~~ | ~~(D)~~<br>~~Candidate Name~~<br>~~_____~~<br>~~_____~~<br>~~_____~~<br>~~( )~~ |

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| | | | | | |
|---|---|---|---|---|---|
| ~~C1~~ | ~~**Total DRE Machine Count** (Copy A, C and D for this line from Parts A-1 and A-2 - voter and candidate **totals**; If no DREs used, mark each "0".)~~ | ~~Line A2 Total~~ | ~~(CHECK: SHOULD = LINE A5 TOTAL)~~ | ~~Line A3 Total~~ | ~~Line A4 Total~~ |

7. From **Part ~~A~~B-1**, carry over the total number of voters who undervoted this office, or voted for another candidate (**last column of line ~~A6~~B6**) and enter the number in **Part C, line C8** (ballots undervoted...)**, column ~~G~~ (iii) (DRE).**

| | | | ~~(E) Op.Scan~~ | ~~(F) Paper~~ | ~~(G) DRE~~ |
|---|---|---|---|---|---|
| ~~C8~~ | ~~Ballots Undervoted or Voted for Other Candidates~~ | ~~= E + F + G~~ | | | ~~Line A6 Total~~ |

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| | | (i) | (ii) | (iii) | (iv) |
|---|---|---|---|---|---|
| C | Ballots Undervoted or Voted for Other Candidates | Optical Scan | Paper | DRE | C8(i) + C8(ii) + C8(iii) = |

| | | | | | | |
|---|---|---|---|---|---|---|
| C8 | Ballots Undervoted or Voted for Other Candidates | Machine-readable | Paper | DRE | C8(i) + C8(ii) + C8(iii) = | C8 |

8. Set the Statement of Results with its attachments aside for now. Return any machine printouts not attached to the SOR to **Envelope #2**.

## ~~B~~D. Paper Pollbooks: Verify pollbook count and number of paper ballots cast

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If paper pollbooks were used, remove the **pollbook(s)** and the **Pollbook Count** forms from **Envelope #2** and examine them one at a time:

1. In ~~the first~~ **Part D-1 (Paper Pollbook Count and Reconciliation)** enter the division section (example "A-L") on the first line under the first "Division" column. Then enter the number of voters in the pollbook for the first pollbook division [this figure is shown on the bottom of the reverse side of the **Pollbook Count** form].

   If a second team of recount officials will be used to hand count the paper and ~~optical scan~~machine-readable ballots, that second team should perform steps 2 and 8 for each division of the pollbook.

2. Determine number of voters voting on **paper ballots** by examining each page of the first pollbook division, and enter the total number of paper ballots in the first **Part D-1 (Paper Pollbooks) line D1-PB** under the first pollbook division. (If a second team of recount officials is being used, the number should be provided to first team to enter on the form, and the entry verified by the second team.)

   Paper ballot voters are those marked in the pollbook with a "**P**."

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Outside Polls voters (marked with "**OP**") may have voted by paper ballot or on a portable DRE. If it is not clear from the pollbooks whether the OP voters voted on paper or machine, check the **Statement of Results** which will indicate each time a machine was removed from the precinct.

If the locality used a CAP to count absentee ballots, do not include the voters marked "**AB"** in the precinct counts unless they are also marked with a **pollbook count (PBC) number**.

When recounting the results for the CAP, refer to the final absentee ballot list (which serves in lieu of the pollbook) to determine the number of voters voting on ~~machine~~ DRE and by ~~paper~~ printed ballot.

| ~~Part D - 1 – Paper Pollbook Count (PBC) and Reconciliation~~ | | ~~Division~~ ____ - ____ | ~~Division~~ ____ - ____ | ~~Calculation or Number~~ | ~~Total Pollbook Count~~ |
|---|---|---|---|---|---|
| ~~D1~~ | ~~Enter **last PBC Number** for each division from PBC Count Sheet~~ | | | ~~Total of Division Counts~~ | |
| ~~D1-PB~~ | ~~Enter **number of Paper Ballots cast** (from Pollbooks by division)~~ | | | ~~Total of Division Counts~~ | |

| Part D - 1 – Paper Pollbook Count (PBC) and Reconciliation | | Division ____ - ____ | Division ____ - ____ | Calculation or Number | Total Pollbook Count | |
|---|---|---|---|---|---|---|
| D1 | Enter **last PBC Number** for each division from PBC Count Sheet | | | Total of Division Counts | | D1 |
| D1-PB | Enter **number of Paper Ballots cast** (from Pollbooks by division) | | | Total of Division Counts | | D1-PB |

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3. RETURN the pollbook and pollbook count sheet to **Envelope #2.** Do not reseal Envelope #2 at this time.

4. If more than one paper pollbook division was used in the precinct, repeat Steps 1, 2 and 3 for each such pollbook division.

5. When all pollbook divisions have been entered, **add across Line D1** (Paper Pollbooks) to total the division counts and enter the total in the last column, Total Pollbook Count.

6. **Add across line D1-PB** to total the paper ballot counts from the pollbook divisions and carry this number over to **Part ~~B~~A, line ~~B6~~A7**.

7. From **Part A** of the **Statement of Results** (previously set aside), the number of paper ballot voters in the precinct is indicated in **line A9** (A18 if absentee ballots

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were counted in the precinct). Enter this number in **Part ~~B~~A, line ~~B7~~ A8** of the **Recount Precinct Results**.

| | | |
|---|---|---|
| ~~B6~~ | ~~Number of Paper Ballot Voters as indicated on all paper pollbooks for the precinct, or on Electronic Pollbook (EPB)~~ | |
| ~~B7~~ | ~~Number of Paper Ballot Voters as indicated by line A9 of SOR (A18 if absentee ballots were counted in the precinct)~~ | |

| | | | |
|---|---|---|---|
| **A7** | Number of Paper Ballot Voters as indicated on all paper pollbooks for the precinct, or on Electronic Pollbook (EPB) | **Pollbooks** | 3 |
| **A8** | Number of Paper Ballot Voters as indicated by line A9 of SOR (A18 if absentee ballots were counted in the precinct) | **SOR line A9** | 3 |

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8. *If ~~B6~~ A7 and ~~B7~~ A8 are not the same number*, ask for the advice of the Recount Coordinator. If the reason for the difference is known or can be determined by to the Recount Officials, it should be explained on the reverse of the Recount Precinct Results page containing Part ~~B~~A.

   The Recount Coordinator may direct that the SOR and Incident Report be examined to determine possible variations in the number of paper ballots indicated on the pollbook and the SOR, and that the pollbook count sheets be examined if the pollbook officer noted paper or OP ballots.

   Any other information contained in **Envelope #2** may be examined by the Recount Officials at the direction of the Recount Coordinator to determine the reason for the difference.

   The Recount Coordinator may also direct that the pollbooks be re-examined to redetermine the number of paper ballots cast. If the re-examination yields a different number for any division, the correction should be entered in **line D1-PB** under the appropriate division. When the re-examination is complete, as determined by the Recount Coordinator, the line D1-PB total must be recalculated if any division entry changed, and the figure carried over to **line ~~B6~~A7.** The changes must be explained by the Recount Officials on the reverse of both changed pages.

9. From **Part C1 of the Statement of Results** enter the number of canceled DRE ballots in the Recount Precinct Results, **Part D-1 (Paper Pollbooks), line D2** and the number of voided ~~optical scan~~machine-readable and paper ballots in **line D3**. **Add D2 and D3**, and enter the total in **line D4**.

10. **Subtract line D4** (total canceled and voided ballots) **from D1** (total of division counts), and enter the figure in **line D5.**

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| Part D - 1 – Paper Pollbook Count (PBC) and Reconciliation | | Division ____ - ____ | Division ____ - ____ | Calculation or Number | Total Pollbook Count |
|---|---|---|---|---|---|
| D1 | Enter **last PBC Number** for each division from PBC Count Sheet | | | Total of Division Counts | |
| D1-PB | Enter **number of Paper Ballots cast** (from Pollbooks by division) | | | Total of Division Counts | |
| D2 | **Number of cancelled DRE Ballots** – (DRE ballots that were CANCELLED because the voter left the booth without casting his/her ballot. Copy from precinct SOR.) | | | | |
| D3 | **Number of voided Optical Scan and Paper Ballots** - (Ballots that were VOIDED because the voter left the booth without casting his/her ballot. DO NOT include ballots spoiled by voter and replaced. Copy number from precinct SOR.) | | | | |
| D4 | **Total Number of Cancelled DRE and VOIDED Optical Scan and Paper Ballots** | | | = D2 + D3 | |
| D5 | **Pollbook Count Reconciliation** - Subtract Total number of CANCELLED DRE and VOIDED Optical Scan and Paper ballots from Total Pollbook Count. **D5 should not be *more* than C10** | C10 = | | = D1 – D4 | |

| Part D - 1 – Paper Pollbook Count (PBC) and Reconciliation | | Division ____ - ____ | Division ____ - ____ | Division ____ - ____ | Division ____ - ____ | Calculation or Number | Total Pollbook Count | |
|---|---|---|---|---|---|---|---|---|
| D1 | Enter **last PBC Number** for each division from PBC Count Sheet | | | | | Total of Division Counts | | D1 |
| D1-PB | Enter **number of Paper Ballots cast** (from Pollbooks by division) | | | | | Total of Division Counts | | D1-PB |
| D2 | **Number of cancelled DRE Ballots** – (DRE ballots that were CANCELLED because the voter left the booth without casting his/her ballot. Copy from precinct SOR.) | | | | | | | D2 |
| D3 | **Number of voided Machine-readable and Paper Ballots** - (Ballots that were VOIDED because the voter left the booth without casting his/her ballot. DO NOT include ballots spoiled by voter and replaced. Copy number from precinct SOR.) | | | | | | | D3 |
| D4 | **Total Number of Cancelled DRE and VOIDED Machine-readable and Paper Ballots** | | | | | = D2 + D3 | | D4 |
| D5 | **Pollbook Count Reconciliation** - Subtract Total number of CANCELLED DRE and VOIDED Machine-readable and Paper ballots from Total Pollbook Count. **D5 should not be *more* than C10** | | | | C10 = | = D1 – D4 | | D5 |

| ~~Part D - 1 – Paper Pollbook Count (PBC) and Reconciliation~~ | | ~~Division~~ ____ - ____ | ~~Division~~ ____ - | ~~Calculation or Number~~ | ~~Total Pollbook Count~~ |
|---|---|---|---|---|---|
| ~~D1~~ | ~~Enter **last PBC Number** for each division from PBC Count Sheet~~ | | | ~~Total of Division Counts~~ | |
| ~~D1-PB~~ | ~~Enter **number of Paper Ballots cast** (from Pollbooks by division)~~ | | | ~~Total of Division Counts~~ | |
| ~~D2~~ | ~~**Number of cancelled DRE Ballots** – (DRE ballots that were CANCELLED because the voter left the booth without casting his/her ballot. Copy from Part C1 of precinct SOR.)~~ | | | | |
| ~~D3~~ | ~~**Number of voided Optical Scan and Paper Ballots** - (Ballots that were VOIDED because the voter left the booth without casting his/her ballot. DO NOT include ballots spoiled by voter and replaced. Copy number from Part C1 of precinct SOR.)~~ | | | | |
| ~~D4~~ | ~~**Total Number of Cancelled DRE and VOIDED Optical Scan and Paper Ballots**~~ | | | ~~= D2 + D3~~ | |
| ~~D5~~ | ~~**Pollbook Count Reconciliation** - Subtract Total number of CANCELLED DRE and VOIDED Optical Scan and Paper ballots from Total Pollbook Count. (Cross check: D5 should not be *more* than C10~~ | | | ~~= D1 – D4~~ | |

11. The Recount Officials must verify the totals entered.

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12. Return all pollbooks, pollbook count sheets, the Statement of Results and any other materials removed from **Envelope #2** to that envelope. RESEAL **Envelope #2**, with both Recount Officers signing the seal. Set Envelope #2 aside.

## ~~C~~E. Electronic Pollbooks: Verify pollbook count and number of paper ballots cast

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If electronic pollbooks were used, leave the first part D-1 (for paper pollbooks) blank, and use **Part D-2 - Electronic Pollbook Count and Reconciliation**.

1. If a printer was used with the EPB, remove the open/close poll report from the **Envelope #2** and enter the total voters Checked-In COUNT from the report in D-2 (EPB), line ~~D1~~ D6 (total voters Checked-in Count).

   If the report includes the number of voters checked in as voting paper ballots, enter that number in **Part ~~B~~A, line ~~B6~~A7**.

2. If there is no EBP open/close poll report, it will be necessary to obtain the information from the EPB data thumbdrive sealed on election night in **Envelope #2**. The General Registrar, EPB manager, Equipment Technician or other person designated by the Recount Coordinators will have already loaded the precinct manager software onto a laptop and set it up in the recount room with an attached printer. (Person performing this function should also be sworn at the beginning of the recount.) One member of the Recount Team, a Recount Coordinator, and the observer from the side not being represented by that Recount Coordinator will take the precinct thumbdrive to the designated person who can bring up the data from the precinct and print the appropriate reports. The other team member and observer will remain with the precinct materials while this is done.

   ~~It~~ If the number of paper ballot voters was not recorded by the Officers in the EPB data, or cannot be retrieved, **line ~~B6~~ A7 of Part ~~B~~ A** must be left blank. On the back of that page of the Precinct Recount Results, the Recount Officials must explain -- to the best of their ability-- why the data is unavailable.

3. From **Part C1 of the Statement of Results** (previously set aside) enter the number of canceled DRE ballots in **Part D-2 (Electronic Pollbooks), line ~~D2~~ D7** and the number of voided ~~optical scan~~machine-readable and paper ballots in **line ~~D3~~D8**. **Add ~~D2~~ D7 and ~~D3~~D8**, and enter the total in **line ~~D4~~D9**.

4. **Subtract line ~~D4~~ D9** (total cancelled and voided ballots) **from ~~D1~~ D6** (Total EPB pollbook count), and enter the figure in **line ~~D5~~D10.**

5. The Recount Officials must verify the totals entered.

6. RETURN the EPB open/close report (if applicable) and thumbdrive to **Envelope #2**, along with the Statement of Results and any other materials removed from **Envelope #2**. If a printout/report was produced from the thumbdrive during the recount, that printout/report should also be sealed inside **Envelope #2** (in the

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event of a later contest). RESEAL **Envelope #2**, with both Recount Officers signing the seal. Set Envelope #2 aside.

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## F. Finish the paperwork

1. Return all ballots except the challenged ballots to **Box/Envelope #3** (if not previously done). If manual tally sheets were used, put them in **Box/Envelope #3**, on top of the ballots (in case there is a contest following the recount). Then RESEAL it.

   a. In **Part C** of the Recount Precinct Results, **find the totals for lines C1 through C4 in each vertical column (~~A~~i - ~~D~~iv)** and enter the column totals in the corresponding column on **line C5**.

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| Part C - Certification of Official Ballots | | | | | |
|---|---|---|---|---|---|
| VOTES CAST FOR CANDIDATES IN RECOUNT<br>IMPORTANT:<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | | (i)<br>Total Number Voting | (ii)<br>Candidate Name<br>_____<br>_____<br>_____<br>( ) | (iii)<br>Candidate Name<br>_____<br>_____<br>_____<br>( ) | (iv)<br>Total Cast for Candidates<br>(ii) + (iii) |
| C1 | Total Ballots Read by Optical Scanner in Recount (From tape; when finished attach tape to back of page with Part A.) | A4<br>Total = | | | |
| C2 | Total Optical Scan Ballots *Manually* Counted in Recount | A5<br>Total = | | | |
| C3 | Total Paper Ballots Counted in Recount | A6<br>Total = | | | |
| C4 | Total DRE Machine Count<br>[If no DREs used, mark each "0".] | B2<br>Total = | | SHOULD = LINE B3 TOTAL | SHOULD = LINE B4 TOTAL | SHOULD = LINE B5 TOTAL |
| C5 | Total Votes<br>(Add C1 through C4 in each column) | | | | |

| Part C - Certification of Official Ballots | | | | | | |
|---|---|---|---|---|---|---|
| VOTES CAST FOR CANDIDATES IN RECOUNT<br>IMPORTANT:<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | | (i)<br>Total Number Voting | (ii)<br>Candidate Name<br>_____<br>_____<br>_____<br>( ) | (iii)<br>Candidate Name<br>_____<br>_____<br>_____<br>( ) | (iv)<br>Total Cast for Candidates<br>(ii) + (iii) | |
| C1 | Total Ballots Read by Ballot Scanner Machine in Recount (From tape; when finished attach tape to back of page with Part A.) | A4<br>Total = | | | | C1 |
| C2 | Total Machine-readable Ballots *Manually* Counted in Recount | A5<br>Total = | | | | C2 |
| C3 | Total Paper Ballots Counted in Recount | A6<br>Total = | | | | C3 |
| C4 | Total DRE Machine Count<br>[If no DREs used, mark each "0".] | B2<br>Total = | SHOULD = LINE B3 TOTAL | SHOULD = LINE B4 TOTAL | SHOULD = LINE B5 TOTAL | C4 |
| C5 | Total Votes<br>(Add C1 through C4 in each column) | | | | | C5 |

   b. In **Part C**, add together the number of ~~optical scan~~machine-readable, paper and DRE ballots **(columns (i), (ii), and (iii))** in each category listed on lines **C7 through C9**. Enter the respective totals in **Column (iv)** on the same line.

   c. In **Part C**, Enter the **total of column (iv), lines C5 through C9** on **Line C10**.

   d. Is the number in **line C5, column (i)** the same as the number in **line C10,**

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**column (iv)**? If not, recheck math and recheck numbers entered. Ask Recount Coordinator for guidance.

| | | (i) | (ii) | (iii) | (iv) |
|---|---|---|---|---|---|
| C5 | **Total Votes** (Add C1 through C4 in each column) | | | | |
| C6 | | Paper Ballots Drawn (during recount) (§ 24.2-802) | | | |
| C7 | *Manually* Counted Ballots Voided by Voter (Includes Overvoted; § 24.2-663) *[For C7 - C9, list separately by ballot voting system]* | Optical Scan | Paper | | C7(i) + C7(ii)= |
| C8 | Ballots Undervoted or Voted for Other Candidates | Optical Scan | Paper | DRE | C8(i) + C8(ii) + C8(iii) = |
| C9 | Challenged Ballots (enclosed in attached envelope) | Optical Scan | Paper | | C9(i) + C9(ii) = |
| C10 | | TOTAL [Add C5 through C9 in column (iv) **Should equal C5 column (i)** | | | Carry to D5 and D10 |

| | | (i) | (ii) | (iii) | (iv) | |
|---|---|---|---|---|---|---|
| C5 | **Total Votes** (Add C1 through C4 in each column) | | | | | C5 |
| C6 | | Paper Ballots Drawn (during recount) (§ 24.2-802) | | | | C6 |
| C7 | *Manually* Counted Ballots Voided by Voter (Includes Overvoted; § 24.2-663) *[For C7 - C9, list separately by ballot voting system]* | Machine-readable | Paper | | C7(i) + C7(ii)= | C7 |
| C8 | Ballots Undervoted or Voted for Other Candidates | Machine-readable | Paper | DRE | C8(i) + C8(ii) + C8(iii) = | C8 |
| C9 | Challenged Ballots (enclosed in attached envelope) | Machine-readable | Paper | | C9(i) + C9(ii) = | C9 |
| C10 | | TOTAL [Add C5 through C9 in column (iv) **Should equal C5 column (i)** | | | Carry to D5 and D10 | C10 |

e. Also enter the number on **line C10, column (iv)** in the proper box in Part D-1 line D5 or Part D-2 line D10 (depending on whether paper pollbooks or an electronic pollbook was used).

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Paper Pollbook:

| | | | | | |
|---|---|---|---|---|---|
| D5 | **Pollbook Count Reconciliation** - Subtract Total number of CANCELLED DRE and VOIDED Machine-readable and Paper ballots from Total Pollbook Count. ****D5 should not be *more* than C10**** | C10 = | = D1 – D4 | | D5 |

Electronic Pollbook:

| | | | | | |
|---|---|---|---|---|---|
| D10 | **Pollbook Count Reconciliation** - Subtract the number of CANCELLED DRE and VOIDED Machine-readable and Paper ballots from Total Pollbook Count. ****D5 should not be *more* than C10**** | C10 = | = D6 – D9 | | D10 |

2. If ~~optical scan~~machine-readable ballots for this precinct were rerun through a counter during the recount, **make sure that the ~~OPTICAL SCAN~~BALLOT SCANNER MACHINE TAPE for the ballots rerun during the RECOUNT is stapled to the back** (behind the top right -- see instructions on page) **of the Recount Precinct Results page** with **Part A.** Make sure that the precinct code is written on the tape.

3. Make sure that the pages of the Recount Precinct Results are complete (including all information at the top of the pages if not previously filled in) and put them in

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order by "Part" letter. Number the pages if this has not been previously done, or if an additional page had to be added (for example, for more individual DRE tapes than the columns available).

4. Each Recount Official must verify the totals entered and **sign and date the form** in the **CERTIFICATION (Part E – page 1)**. (If a second team of Recount Officials was used to hand count the ballots, those officials must also sign the form.)

**PART E** - **DO NOT SIGN UNTIL ALL OTHER MATERIALS ARE COMPLETE**

**CERTIFICATION** — We hereby swear/affirm, under felony penalty for making willfully false material statements or entries, that all of the information entered heron is true and correct.

WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO $2,500. (Va. Code § 24.2-1016)

1. _____ Recount Official's Signature - Team 1
_____ Printed Name

2. _____ Recount Official's Signature - Team 1
_____ Printed Name

3. _____ Recount Official's Signature - Team 2 (if applicable)
_____ Printed Name

4. _____ Recount Official's Signature - Team 2 (if applicable)
_____ Printed Name

5. **Staple the set of Recount Precinct Results pages together in the top left corner. If there were any challenged ballots in this precinct**, staple the set of Results pages to the top left corner of the completed, sealed **Challenged Ballots envelope** (making sure not to staple through any ballots).

   If there were NOT any challenged ballots in this precinct, DO NOT staple the Recount Precinct Results to the empty **Challenged Ballots envelope**. Keep the envelope until needed for a precinct that has one or more challenged ballots. (The instructions preprinted on your Challenged Ballot envelope may say to complete and seal the envelope, and staple the precinct results to it even if there were no challenged ballots in the precinct. *These instructions revise those instructions*.)

6. Let the Recount Coordinator know that you have completed the precinct. The Coordinator should review the completeness of the Recount Precinct Results at that time, ensuring that all entries appear to be legible (to the Coordinator), and the pages are sequentially numbered and complete.

   The Recount Officials will now give the Recount Coordinator:
   **(1) The completed Recount Precinct Results set**
   - with attached ~~optical scan~~ballot scanner machine tape if ~~optical scan~~machine-readable ballots were rerun during the recount
   - attached to Challenged Ballots envelope ONLY if there was a challenged ballot

**(2) All of the election materials received from the precinct, properly resealed** in their envelope/box (with any Manual Tally Sheets that were used placed/sealed inside Box/Envelope #3 on top of the ballots)

**(3) The resealed memory card/cartridge used to rerun the ~~optical scan~~machine-readable ballots** (if applicable).

7. The Recount Coordinator will then give the Clerk of Circuit Court the **completed Recount Precinct Results set** with the attached tape (if applicable) and attached **Challenged Ballots envelope** (if used), and **all other election materials for the precinct** and receive the packages for the next precinct.

## G. Repeat for next precinct

Repeat the above steps until all assigned precincts have been completed.

~~D. If Optical Scan ballots are to be rerun, prepare the electronic counting device.~~

1. ~~Insert the **MEMORY CARD, CARTRIDGE, OR OTHER DATA STORAGE MEDIUM** for the precinct to be counted.~~

3. ~~Turn the device **ON.**~~

4. ~~Produce a **ZERO** printout.~~

5. ~~Verify that all totals on the **ZERO** printout, including the ballots cast, and the total on the Public Counter on the front of the device read **0000.**~~

6. ~~Record the **Serial Number** from this Optical Scanner in the **Recount Precinct Results, Part B, line B1**.~~

7. ~~Read the number from the **Public Counter** aloud and enter it in the **Recount Precinct Results, Part B, line B3 ("before recount")**.~~

8. ~~Feed ballots.~~

~~**E. Insert Optical Scan ballot cards for precinct into electronic counting device**~~

1. ~~Open **Box/Envelope #3** containing **COUNTED BALLOTS** for the precinct being counted.~~

2. ~~As they are removed from the box/envelope, **set aside the paper ballots for separate hand counting** (face down); "Paper ballots" in a precinct that also uses an optical scan tabulator may include:~~
   - ~~traditional paper ballots~~
   - ~~official reproductions of paper ballots or optical scan ballots~~
   - ~~ballots sent to military or overseas voters by email or fax and printed by the voters (if absentee ballots are counted in the precinct -- or if precinct being recounted is the CAP)~~
   - ~~Federal Write-In Absentee Ballots (FWABs) from military or overseas voters (if absentee ballots are counted in the precinct -- or if precinct being recounted is the CAP). See 11.2.2010 Emergency Declaration of Secretary~~

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~~of Department of Elections.~~

~~Paper ballots were originally counted by hand, and must be recounted by hand, separately from the optical scan ballots.~~

~~3. Feed all **Optical Scan** ballot cards into the counting device without examination of any ballot card.~~

~~4. If the counting device indicates that for the office being recounted the ballot was **overvoted or undervoted**, or the ballot contains a **write-in** vote for that office, it must be **separated out to be counted by hand**. The tabulator would have been programmed to sort these into the "write in" bin automatically if possible, but may have been programmed to alert the operator in some cases instead. If so, simply set that ballot aside (face down) for hand counting.~~

~~If any **Optical Scan ballot** card is so **damaged** that the counting device will not accept it, it must also be set aside for hand counting.~~

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~~5. Both Recount Officials must verify that the **Box/Envelope #3** container is empty, that all **Optical Scan ballot** cards have been inserted in the counting device, and that all **paper ballots** have been **set aside** for separate hand counting.~~

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~~6. Repeat steps 1 – 5 above for any additional **Box/Envelope #3** containers of **COUNTED BALLOTS** for that precinct.~~

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## ~~F. Obtain results determined by the electronic counting device~~

~~1. When all Optical Scan ballots for the precinct have been inserted in the counting device, read the number from the **Public Counter** aloud and enter it in the **Recount Precinct Results, Part B, line B2** ("after recount"). Subtract **line B3** from **line B2**, and enter it on the form in **line B4** (public counter difference).~~

| ~~Part B – Certification of Precinct Optical Scan Ballot Counter and Manual Count~~ | | ~~Calculation or Source~~ | |
|---|---|---|---|
| ~~B1~~ | ~~Optical Scanner Serial Number (used to recount this precinct, if applicable)~~ | ~~From Machine~~ | |
| ~~B2~~ | ~~Number on This Scanner's Public Counter – After Recount (if applicable)~~ | ~~Public Counter~~ | |
| ~~B3~~ | ~~Number on This Scanner's Public Counter – Before Recount (if applicable)~~ | ~~Public Counter~~ | |
| ~~B4~~ | ~~**Public Counter Difference** (Must Equal the Number of Ballots Read By the Optical Scanner During Recount [From Tape])~~ | ~~= B2 – B3~~ | ~~=~~ |

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~~2. Run one printout to obtain the recount results for the precinct:~~

~~a) Produce the **FINAL RESULTS** tape.~~

~~b) Remove the **OPTICAL SCAN ballot** cards from the ballot compartments, return them to the **COUNTED BALLOTS** container(s), and seal it (them).~~

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~~c) Remove the printout with **ZERO** report and the **FINAL RESULTS** intact.~~

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3. **Record the data from the counting device tape** on the **Recount Precinct Results** form:

a) Enter the **total Optical Scan ballot cards read** in **Part C, line C2, column A. This number *must match*** the public counter difference previously entered in **Part B, line B4**. If the numbers do not match, first recheck the counter numbers and number of ballots entered on the form, and the math. If they still do not match, ask for the advice of the Recount Coordinator.

b) Read aloud the name of the first candidate involved in the recount and the number of votes cast for first candidate and enter the total in **line C2, column C,** double-checking that each number is copied to the column for the appropriate candidate.

c) Read aloud the name of the second candidate involved in the recount and the number of votes cast for the second candidate and enter the total in **line C2, column D,** double-checking that each number is copied to the column for the appropriate candidate.

d) Add together the number of optical scan ballots counted read by the counting device for **both** candidates and enter the total in **line C2, column B**.

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**Part C - Certification of Official Ballots**

| **VOTES CAST FOR CANDIDATES IN RECOUNT** (In lines C1 through C5, include only ballots cast for candidates who are parties to the recount and whose names are listed at right. Account for all other ballots in lines C6 through C9.) | | (A) Total Number Voting | (B) Total Cast for Candidates (C + D) | (C) Candidate Name _____ _____ _____ (–) | (D) Candidate Name _____ _____ _____ (–) |
|---|---|---|---|---|---|
| **C2** | **Total Ballots Read by Optical Scanner in Recount** (From tape; when finished attach tape to back of page with Part B.) | Line B4 _____ | Z | _____ | _____ |

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e) Enter the precinct code on the **OPTICAL SCANNER RECOUNT TAPE** and **staple it** to the back (behind the top right) of the **RECOUNT – PRECINCT RESULTS page containing Part B**. (See instructions at the top of that page.)

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**G. Hand count Optical Scan ballots previously set aside**

Any Optical Scan ballots set aside from the steps above must be counted by hand.

A second team of Recount Officials may be used to count the ballots by hand.

1. Count **all** set aside **Optical Scan** ballots (preferably with the office being recounted face down) without examining how they were cast. When both officials agree on the total count, enter the total on the **Recount Precinct Results** in **Part B, line B5**. Enter the same total in **Part C, line C3, column A**. (Remember that paper ballots must be counted separately. If any are found among the set aside Optical Scan ballots, put them with the other paper ballots.)

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| B5 | Number of *Manually* Counted Optical Scan Ballots * | Count | _____ |
|---|---|---|---|

2. Examine each of the **Optical Scan ballots** to be counted and separate them into the following stacks (refer to the ballot examples in the "Standards for Recounts of Virginia Elections" if there is any question about how to count a mark).

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During the sort, an official should lay each ballot face up on the table in the following stacks so that both officials and all observers can clearly see each ballot as it is sorted.

(1) and (2) One stack each for ballots clearly voted for either candidate involved in the recount

(3) Ballots either not voted for the office (undervoted) or not voted for candidates in the recount

(4) Ballots clearly voided by the voter for the office per (overvoted or title of office erased)

(5) Ballots challenged by either Recount Official (or the Officials cannot initially determine or agree how to count it)

After the first sort, re-examine the ballots in stacks 1-4 to make sure that each ballot is in the appropriate stack.

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***SBE-802-MA Precinct Manual Recount Tally Sheet*** is an optional form that may help Recount Officials when there are many ballots to hand count. If using it, complete the appropriate blanks/boxes at the top of the form and the candidates' names if not already completed. It covers each of the separate categories represented by the "stacks" and those counted/recorded in the procedures below. The final counts must still be recorded on the Recount Precinct Results form, as directed below.

The basic procedure for manually counting each stack (separately, when directed to do so below) is:

a. One Recount Official should count the ballots while the other closely observes.
b. Count the ballots by laying each ballot with the office being recounted face up on the table so that both officials and all observers can clearly see each ballot as it is counted.
c. Then the other official should count the same ballots while being closely observed by the first.
d. The official observing may use Department of Elections's new Manual Recount Tally Sheet.
e. If the two officials do not arrive at the same number, repeat.

3. Re-examine all **Optical Scan ballots** in the "challenge" stack. Refer to the Ballot Examples. If the two Recount Officials agree on how to count the ballot, place the ballot in the appropriate other stack (1-4 above).

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If both Recount Officials cannot agree, or they cannot determine how or whether to count a ballot, at least one of them must officially "challenge" the ballot.

a. For each challenged ballot, complete the form entitled **STATEMENT OF RECOUNT OFFICIAL – CHALLENGED BALLOT (SBE-802CB)**, setting forth the reason(s) for the challenge. Sign the form and attach it to the ballot. This ballot will go to the Recount Court for a decision.

b. When all the ballots remaining in the "challenge" stack have been officially challenged, count the **Optical Scan ballots** being challenged and, when both officials agree on the number, enter total in **Part C, line C9, column E** of the **Recount Precinct Results** form.

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c. Place the signed, challenged ballot statements and attached ballots in the **Challenged Ballots envelope** for the precinct, and enter the name/number of the precinct. DO NOT enter the number of challenged ballots on the envelope at this time. DO NOT SEAL IT at this time. Set the envelope containing **CHALLENGED BALLOTS** aside.

4. Count all **Optical Scan ballots** voided and, when both officials agree on the count, enter total in **line C7, column E** of the Recount Precinct Results form. Return voided ballots to **Box/Envelope #3**.

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5. Count all **Optical Scan ballots** not voted (undervoted) or not voted for candidates involved in the recount and, when both officials agree on the count, enter total in **line C8, column E**. Return these ballots to **Box/Envelope #3**.

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| | | | (E) Op.Scan | (F) Paper | (G) DRE |
|---|---|---|---|---|---|
| C6 | Paper Ballots Drawn (during recount) (§ 24.2-662) | | | | |
| C7 | *Manually* Counted Ballots Voided by Voter (Includes Overvoted; § 24.2-663) *[For C7 - C9, list separately by ballot voting system]* | = E + F | | | |
| C8 | Ballots Undervoted or Voted for Other Candidates | = E + F + G | | | Line A6 Total |
| C9 | Challenged Ballots (enclosed in attached envelope) | = E + F | | | |

6. Now count the **Optical Scan ballots** voted for each of the two candidates in the recount (stacks 1 & 2). Count one candidate's ballots at a time.

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When both officials agree on the count, enter each count on **Line C3, in either Column C or D, as appropriate** of the **Recount Precinct Results** form, double-checking that each count is listed under the appropriate candidate.

7. Add together the number of **Optical Scan ballots** voted for **both** candidates and enter the total in **line C3, column B**.

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| **Part C - Certification of Official Ballots** | | | | | |
|---|---|---|---|---|---|
| **VOTES CAST FOR CANDIDATES IN RECOUNT** (In lines C1 through C5, include only ballots cast for candidates who are parties to the recount and whose names are listed at right. Account for all other ballots in lines C6 through C9.) | | (A) Total Number Voting | (B) Total Cast for Candidates (C + D) | (C) Candidate Name _____ _____ _____ ( ) | (D) Candidate Name _____ _____ _____ ( ) |
| C3 | **Total Optical Scan Ballots *Manually* Counted in Recount** | Line B5 | | | |

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## H. Count the paper ballots

Take the paper ballots which were set aside as they were removed from **Box/Envelope #3** and **count the paper ballots** as follows.

If a second team of Recount Officials was used to count the Optical Scan ballots by hand, this second team should also count the paper ballots.

1. Count **all paper ballots** that have the office being recounted listed without examining how or whether the voter voted for the office. When both officials agree on the total number, enter the total in **Part C, line C4, column A** of the **Recount Precinct Results** form.

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| | | (A) Total Number Voting |
|---|---|---|
| C4 | Total Paper Ballots Counted in Recount | Line B8 |

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Enter the same number in **Part B, line B8.** Add **lines B5 and B8** and enter the total in **line B9.**

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| | | | |
|---|---|---|---|
| B5 | Number of *Manually* Counted Optical Scan Ballots * | Count | |
| B6 | Number of Paper Ballot Voters as indicated on all paper pollbooks for the precinct, or on Electronic Pollbook (EPB) | ** | |
| B7 | Number of Paper Ballot Voters as indicated by line A9 of SOR (A18 if absentee ballots were counted in the precinct) | ** | |
| B8 | Number of Paper Ballots Counted in Recount* | Count | ** |
| B9 | **Total Optical Scan and Paper Ballots Counted in Recount** | **= B5 + B8** | |

** If B6 and B7 are different, or B8 is not the same as *both* B6 and B7, recount officers should explain the reasons for the difference -- as best they know or can determine -- on the reverse side of this page.

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2. If the number entered in **Part B, line B8** is not the same as the numbers previously entered in B6 and B7, recount officials should explain the reasons for the difference -- as best they know or can determine -- on the reverse side of the page containing Part B. (For example, if the difference is due to X number of federal only ballots and the recount is for a state or local office.)

(Recent recount court orders have required all the pollbooks and ballots for the precinct to be referred to the court if the number of paper ballots actually cast is not the same as the number of paper ballots indicated on the pollbook. The Recount Coordinator should be immediately informed if the numbers are not the same, and will know if the court order in the current recount contains instructions regarding this matter.)

3. If the total number of **paper** ballots in **Part B, line B8** does not exceed the total number voting by paper ballot in **Part B, line B6**, enter ZERO (0) in **Part C, line C6 (column B) (paper ballots drawn)**;

4. If the total number of **paper ballots** in **Part B, line B8** exceeds the total number voting on paper ballots in **Part B, line B6** and no error is found, first consult with your Recount Coordinator. Recent recount orders have directed that the materials be sent to the Recount Court in this situation, not drawn down. The Recount Coordinator will know if the court order in the current recount contains instructions regarding this matter. If the court order is silent on this situation, the following procedures must be followed (§ ):

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   a. Return all **paper ballots** to a container.

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b. Have one of the Recount Officials, blindfolded, draw out the number of **paper ballots** necessary to reduce the total number to the number reported voting on paper ballots.

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c. Mark the drawn **paper ballots** "**DRAWN AND NOT COUNTED**", and return them to **Box/Envelope #3**. Enter number drawn in **Part C, line C6 (column B)**.

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5. **To count the paper ballots, follow the same procedures described above under "G. Hand count Optical Scan ballots previously set aside" with the differences below.** (The only difference for most of the "stacks" -- other than challenged ballots -- is where the information for the paper ballots is recorded on the Recount Precinct Results form.)

a. Place the **signed, challenged ballot statements** and **attached paper ballots** in the **Challenged Ballots envelope** for the precinct, and enter the name/number of the precinct if not previously entered. Enter the total number of challenged ballots (optical scan and paper) on the envelope and complete any other information required. **SEAL** the Challenged Ballots envelope. Set the envelope containing **CHALLENGED BALLOTS** aside.

Enter the number of **challenged paper ballots** in Part C of the Recount Precinct Results form in **line C9, column F (paper)**.

b. Enter total number of **paper ballots voided** in **line C7, column F** of the Recount Precinct Results form. Return voided paper ballots to **Box/Envelope #3**.

c. Enter the total number of **paper ballots** not voted or not voted for candidates involved in the recount in **line C8, column F**. Return these paper ballots to **Box/Envelope #3**.

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| | | | (E) Op.Scan | (F) Paper | (G) DRE |
|---|---|---|---|---|---|
| **C6** | Paper Ballots Drawn (during recount) (§ 24.2-662) | | | | |
| **C7** | *Manually Counted Ballots Voided by Voter (Includes Overvoted; § 24.2-663) [For C7 - C9, list separately by ballot voting system]* | = E + F | | | |
| **C8** | Ballots Undervoted or Voted for Other Candidates | = E + F + G | | | Line A6 Total |
| **C9** | Challenged Ballots (enclosed in attached envelope) | = E + F | | | |

d. Now count the **paper** ballots voted for each of the two candidates in the recount (stacks 1 & 2). Count one candidate's ballots at a time.

When both officials agree on the count enter each count on **Line C4, in either Column C or D, as appropriate** of the **Recount Precinct Results** form, double-checking that each count is listed under the appropriate candidate.

e. Add together the number of **Paper ballots** voted for **both** candidates and enter the total in **line C4, column B**.

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| Part C - Certification of Official Ballots | | | | | |
|---|---|---|---|---|---|
| VOTES CAST FOR CANDIDATES IN RECOUNT (In lines C1 through C5, include only ballots cast for candidates who are parties to the recount and whose names are listed at right. Account for all other ballots in lines C6 through C9.) | | (A) Total Number Voting | (B) Total Cast for Candidates (C + D) | (C) Candidate Name _____ _____ _____ (__) | (D) Candidate Name _____ _____ _____ (__) |
| C4 | Total Paper Ballots Counted in Recount | Line B8 _____ | | _____ | _____ |

## I. Finish the paperwork

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1. Return all ballots except the challenged ballots to **Box/Envelope #3** (if not previously done). If manual tally sheets were used, put them in **Box/Envelope #3**, on top of the ballots (in case there is a contest following the recount). Then RESEAL it.

   a. In **Part C** of the Recount Precinct Results, **find the totals for lines C1 through C4 in each vertical column (A – D)** and enter the column totals in the corresponding column on **line C5**.

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| Part C - Certification of Official Ballots | | | | | |
|---|---|---|---|---|---|
| VOTES CAST FOR CANDIDATES IN RECOUNT (In lines C1 through C5, include only ballots cast for candidates who are parties to the recount and whose names are listed at right. Account for all other ballots in lines C6 through C9.) | | (A) Total Number Voting | (B) Total Cast for Candidates (C + D) | (C) Candidate Name _____ _____ _____ (__) | (D) Candidate Name _____ _____ _____ (__) |
| C1 | Total DRE Machine Count | ↓ | ↓ | ↓ | ↓ |
| C2 | Total Ballots Read by Optical Scanner in Recount | ↓ | ↓ | ↓ | ↓ |
| C3 | Total Optical Scan Ballots *Manually* Counted in Recount | ↓ | ↓ | ↓ | ↓ |
| C4 | Total Paper Ballots Counted in Recount | ↓ | ↓ | ↓ | ↓ |
| C5 | Total Votes (Add C1 through C4 in each column) | | | | |

   b. In **Part C**, add together the number of optical scan, paper and DRE ballots **(columns E, F and G)** in each category listed on lines **C7 through C9**. Enter the respective totals in **Column B** on the same line.

   c. In **Part C**, Enter the **total of column B, lines C5 through C9** on **Line C10**.

   d. Is the number in **line C5, column A** the same as the number in **line C10, column B**? If not, recheck math and recheck numbers entered. Ask Recount Coordinator for guidance.

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| | | (A) | (B) | (C) | (D) | (E) |
|---|---|---|---|---|---|---|
| **C5** | **Total Votes** | | ↓ | | | |
| **C6** | Paper Ballots Drawn (during recount) (§ 24.2-662) | | ↓ | (E) Op.Scan | (F) Paper | (G) DRE |
| **C7** | *Manually* Counted Ballots Voided by Voter (Includes Overvoted; § 24.2-663) *[For C7 - C9, list separately by ballot voting system]* | | =E + F ↓ _____ ⌀ | ← | ← | |
| **C8** | Ballots Undervoted or Voted for Other Candidates | | =E + F + G ↓ _____ ⌀ | ← | ← | Line A6 Total ← |
| **C9** | Challenged Ballots (enclosed in attached envelope) | | =E + F ↓ _____ ⌀ | ← | ← | |
| **C10** | **TOTAL (Add C5 through C9 in Column B)** (Crosscheck: Should equal Column A, line C5 | | _____ ⌀ | | | |

2. If optical scan ballots for this precinct were rerun through a counter during the recount, **make sure that the OPTICAL SCAN TAPE for the ballots rerun during the RECOUNT is stapled to the back** (behind the top right -- see instructions on page) **of the Recount Precinct Results page** with **Part B.** Make sure that the precinct code is written on the tape.

3. Make sure that the pages of the Recount Precinct Results are complete (including all information at the top of the pages if not previously filled in) and put them in order by "Part" letter. Number the pages if this has not been previously done, or if an additional page had to be added (for example, for more individual DRE tapes than the columns available).

4. Each Recount Official must verify the totals entered and **sign and date the form** in the **CERTIFICATION (Part E)**. (If a second team of Recount Officials was used to hand count the ballots, those officials must also sign the form.)

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**PART E -**

**CERTIFICATION** — We hereby swear/affirm, under felony penalty for making willfully false material statements or entries, that all of the information entered is true and correct.

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~~WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO $2,500. (Va. Code § 24.2-1016)~~

| | |
|---|---|
| ~~1.~~ | ~~3.~~ |
| ~~Recount Official's Signature - Team 1~~ | ~~Recount Official's Signature - Team 2 (if applicable)~~ |
| ~~Printed Name~~ | ~~Printed Name~~ |
| ~~2.~~ | ~~4.~~ |
| ~~Recount Official's Signature - Team 1~~ | ~~Recount Official's Signature - Team 2 (if applicable)~~ |
| ~~Printed Name~~ | ~~Printed Name~~ |

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~~**All Recount Officials who participated in recounting the votes in this precinct must sign the certification.**~~

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5. ~~**Staple the set of Recount Precinct Results pages together in the top left corner. If there were any challenged ballots in this precinct**, staple the set of Results pages to the top left corner of the completed, sealed **Challenged Ballots envelope** (making sure not to staple through any ballots.~~

   ~~If there were NOT any challenged ballots in this precinct, DO NOT staple the Recount Precinct Results to the empty **Challenged Ballots envelope**. Keep the envelope until needed for a precinct that has one or more challenged ballots. (The instructions preprinted on your Challenged Ballot envelope may say to complete and seal the envelope, and staple the precinct results to it even if there were no challenged ballots in the precinct. *These instructions revise those instructions*.)~~

6. ~~Let the Recount Coordinator know that you have completed the precinct. The Coordinator should review the completeness of the Recount Precinct Results at that time, ensuring that all entries appear to be legible (to the Coordinator), and the pages are sequentially numbered and complete.~~

   ~~The Recount Officials will now give the Recount Coordinator:~~
   - ~~**(1) The completed Recount Precinct Results set**~~
     - ~~with attached optical scan tape if optical scan ballots were rerun during the recount~~
     - ~~attached to Challenged Ballots envelope ONLY if there was a challenged ballot~~
   - ~~**(2) All of the election materials received from the precinct, properly resealed** in their envelope/box (with any Manual Tally Sheets that were used placed/sealed inside Box/Envelope #3 on top of the ballots)~~
   - ~~**(3) The resealed memory card/cartridge used to rerun the optical scan ballots** (if applicable).~~

7. ~~The Recount Coordinator will then give the Clerk of Circuit Court the **completed Recount Precinct Results set** with the attached tape (if applicable) and attached **Challenged Ballots envelope** (if used), and **all other election materials for the precinct** and receive the packages for the next precinct.~~

### ~~J. Repeat for next precinct~~

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~~Repeat the above steps until all assigned precincts have been completed.~~

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## Finishing the Locality's Results; Sealing and Delivery of Material

The following steps are recommended by the Department of Elections for security, accuracy and uniformity, subject to the direction and authority of the Recount Court.

The Recount Coordinator receiving materials from the recount officials should make sure that the materials are complete.

- ✓ If machine-readable ballots were rerun through a scanner for the precinct:

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- is the **recount ballot scanner machine tape** stapled to the back of the Recount Precinct Results page containing **Part B**?
- If any **Challenged Ballots** are listed in **Part C, line C9** of the Recount Precinct Results form:
- Is the **Challenged Ballot Envelope** attached to the Recount Precinct Results set, and has the envelope been sealed, signed, and completed?
- Is the **total number of challenged ballots listed on the envelope** the same as the **total listed on line C9, column (iv)**?

✓ Do the entries on the Recount Precinct Results form set appear to be legible (to the Clerk), and are the pages sequentially numbered and complete?

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The Clerk of Court for the locality will check in the materials received from the Recount Coordinator for the completed precinct. While the Recount Coordinator is present, the Clerk will make sure that the materials appear to be complete.

✓ Did all the election and recount envelopes/materials checked out by the Recount Coordinator for the precinct come back?

✓ Have all sealed materials opened during the recount been properly resealed?

~~✓ If optical scan ballots were rerun through a tabulator for the precinct:~~

- ~~is the **recount optical scanner tape** stapled to the back of the Recount Precinct Results page containing **Part B**?~~

~~✓ If any **Challenged Ballots** are listed in **Part C, line C9** of the Recount Precinct Results form:~~

- ~~Is the **Challenged Ballot Envelope** attached to the Recount Precinct Results set, and has the envelope been sealed, signed, and completed?~~
- ~~Is the **total number of challenged ballots listed on the envelope** the same as the **total listed on line C9, (column (iv)B)**?~~

~~✓ Do the entries on the Recount Precinct Results form set appear to be legible (to the Clerk), and are the pages sequentially numbered and complete?~~

Any questions should be addressed at that time to the Recount Coordinator and, if either the Clerk of Court or Recount Coordinator believes it necessary:

- The Clerk of Court will not accept the materials in question from the Recount Coordinator at that time (checking in only those not in question), and
- The Recount Coordinator will return to the Recount Team that prepared the materials, with the materials in question, to resolve any issues.

Once the precinct's recount materials are all accepted by the Clerk, if the locality's recount results are to be conveyed to another location after completion of *all* precincts, the ~~Clerk of Court~~Recount Coordinator for the locality, in the view of the ~~Recount Coordinator~~Clerk of Court, will **enter the total number of votes for each of the two candidates in the recount and the number of challenged ballots referred to the Court in the first line for the precinct** on the **Locality Summary** form. **Enter ZERO "0" if there were no challenged ballots. Leave the second line for the precinct blank** ("challenged ballots counted by the Court").

Note: In the past this has been entirely done at the Recount Court level. In the revised process for a "two day" or "two part" recount, the ~~Clerk~~ Recount Coordinator will complete the first line for the precinct. The results will be checked by the Recount Court and tabulated after all challenges have been decided.

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The Clerk of Court will place the recount materials to be conveyed to the Court for the locality as a whole in precinct number order, to be placed in the Locality Results Envelope when completed.

The Clerk of Court will then give the Recount Coordinator the materials for the next precinct (checking them out as given).

The Clerk of Court will replace the sealed materials for the election that will remain in the locality in a secure place with the other completed materials.

The Recount Court may be in session in the same room while the recount is underway, and may choose to review the precinct results and any challenged ballots (or just the challenged ballots) as each precinct is completed. If the Clerk of Court is instructed to convey these immediately to the Recount Court, it is recommended that the Clerk note on the materials check in/out record what was given to the Court, when it was received, and who received it.

**If the Recount Court decides to review precinct results and challenged ballots as the precincts complete them**, the Court or its designee would enter the total number of votes for each of the two candidates in the recount and the number of challenged ballots referred to the Court in the first line for the precinct on the Locality Summary form, entering ZERO "0" in the last column if there were no challenged ballots. The court would record its decision(s) on the challenged ballots on the second line for the precinct ("challenged ballots counted by the Court") on the Locality Summary form.

**If the Recount Court decides to review only the challenged ballots as the precincts are completed**, the Clerk would give that envelope to them with the attached precinct results. After reviewing the challenged ballots (without reviewing the Results), the Court would note its decision on the outside of the envelope by candidate (for example "Smith - 2, Jones - 1, not counted - 1), reseal the envelope and return it to the Clerk for the locality to put with the other completed recount precinct results.

Repeat the above steps until all assigned precincts have been completed.

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# "Part Two" - Court Review and Compilation of Results -- Suggested Steps

## Check in and Logistics

Make sure you have the following documents and materials:

- ✓ *Locality Summary of Recount Results (SBE-802-LS)* (one form has been prepared for each locality)
- ✓ *Court Certification of Recount Form* (SBE-802-CC) (lists results by locality)
- ✓ Locality Results envelope/box for each locality
- ✓ Stickers to reseal the envelopes
- ✓ Notepads
- ✓ Pens

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## Officials and Authorized Representatives

**Floor Teams:**

- One Department of Elections Staff Member,
- One representative of the accounting firm,
- One representative of each campaign.

Duties: Open locality results envelope/box received from **runner** one locality at a time. Handle challenged ballots. Report challenged ballots~~ with the *County or City Results by Precinct* form.~~. Determine precinct results from the materials submitted by the locality. Complete *Recount Certification – County or City Results by Precinct* (*SBE 802-LS*) form for the locality being examined.

**Floor Attorneys:**

- Attorneys for each campaign

Duties: Available to Floor Teams to answer questions and resolve issues.

**Appeals Team:**

- Lead attorneys for both candidates,
- Department of Elections senior staff,
- Member of the Clerk's staff (at Clerk's option).

Duties: Resolves any issues raised by **Floor Teams**. Issues are resolved if the two party attorneys are in agreement, and the Department of Elections senior staff member bears witness to the agreement. Any issues not resolved ~~at that level~~by the Appeals Team will go to the **Recount Court** for a decision. Examine challenged ballots ~~which~~ that could not be resolved by the **Floor Team** and refer to **Recount Court** for its decision (with recommendation if one is reached). Examine materials (pollbooks, ballots, etc.) referred to the **Recount Court** when number of paper ballots in a precinct does not equal the number of paper ballot voters on the pollbooks, or there are other problems.

**Summary Team:**

- One Department of Elections Staff member,
- One representative of the accounting firm,
- One representative from each campaign.

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Duties: Examine *Recount Certification – County or City Results by Precinct* (SBE 802-LS) for each locality as received from the **runner**. Total columns and enter totals on *Summary* form for the locality. If any challenged ballots ~~which~~ that could not be resolved by the **Floor Teams** are later counted by the Court, add them to the *Summary* form under the locality (not on the *Results by Precinct* form) and recalculate totals.

**Runner:**

- One Department of Elections Staff member

Duties: Take the materials from the **Clerk**, one locality at a time to the **Floor Teams**, pick them up when the **Floor Team** is finished, return the materials to the **Clerk**, and deliver the tabulation sheets to the **Summary Team**.

**Clerk**

Duties: Clerk or Deputy Clerk should maintain control of the recount room, including press and general public, hand out locality documents and receive them back when completed, and transport any challenged ballots unresolved by the **Floor Team** or **Appeals Team** to the three judges of the **Recount Court** for their decision.

## Floor Team Step-by-Step

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### Guidelines

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- ONLY **ELECT STAFF** may handle ballots or other materials.
- Ensure all members of **Floor Team** and any observers are able to see the materials clearly.
- If, at any time, the packet is missing information or does not comply with the requirements set forth below, notify the **Appeals Team** (ELECT Executive/Policy Staff or Campaign Attorneys).

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### Review and Compilation of Results

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Local Results envelopes/boxes received from localities should be alphabetized by locality to make sure that they are present and clearly marked. If a county and city have the same name they should be marked to show the county or city designation before the recount begins.

~~The Floor Team receives materials from the Runner containing all of the documents for one locality and a blank "Recount Certification County or City Results by Precinct" (tabulation sheet) specific to that locality. Only the Department of Elections staff member on the Floor Team should handle any ballots or other recount materials, received from the locality, but all Floor Team members must be able to see them clearly. This package should contain all of the materials from that locality that will be needed to complete the tabulation form for the locality. This package should be identified as the "Locality Precinct Results for the County/City of _____."~~

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~~The number of envelopes contained in the package should equal at least the number of precincts listed on the tabulation sheet, however, this figure would not include a CAP precinct or Provisional Ballot precinct.~~

~~Check to make sure that the **Clerk** or Deputy Clerk of the Circuit Court in the locality of origin has signed in the space provided in the lower right hand corner of the package.~~

1) **Floor Team** Receives Locality Materials from the Runner

a. Check to ensure the **Clerk** or Deputy Clerk of the Locality's Circuit Court **has signed** in the space provided in the lower right hand corner of the package.

b. Check for SBE-802 LS form: "Recount Certification County or City Results by Precinct" (tabulation sheet).

i. If there is **no 802 LS form, the accountant will have to create** a form from a blank 802 LS.

c. Count the number of SBE-802 PR forms "Recount Precinct Results for All Voting Systems".

i. Number of forms should equal number of precincts listed on tabulation sheet (SBE-802 LS + 2 for CAP and provisional ballots, if locality has a CAP).

ii. Also confirm precincts with spreadsheet of precincts provided.

2) **Open Recount Precinct Results** to Part C (SBE-802 PR).

a. Confirm **Line C5, column (ii) and (iii) of SBE-802 PR** correspond with precinct totals entered on Recount Certification (SBE-802 LS) for each candidate.

b. Confirm number of challenged ballots entered on **Line C9 of SBE-802 PR** correspond with number of challenged ballots entered on SBE-802 LS.

3) If any information does not match, please notify a member of the Appeals Team.

## Dealing with Challenged Ballots

~~I. Open the *Locality Precincts Results* package. This material should be opened by the Department of Elections staff member on the **Floor Team**. The package should contain the precinct results for each precinct in the locality, attached to a *Challenged Ballot Envelope*. The *Challenged Ballot Envelope* should be signed by the recount officials for that precinct. Each precinct's materials should be examined in the order that they are removed from the envelope/box.~~

~~II. Identify the precinct and find it on the *Recount Certification – County or City Results by Precinct* form for its locality.~~

~~III. Examine the *Challenged Ballot Envelope.*~~

~~**If zero Challenged Ballots indicated**:~~

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Examine the *Challenged Ballot Envelope (SBE-802-CB)*. If the number of Challenged Ballots indicated on the front of the *Challenged Ballot Envelope (SBE-802-CB)* is zero, verify that the envelope is empty by holding it up to the light, then the **accountant** should enter zero in the column labeled "No. of Challenged Ballots" for that precinct on the *Locality Summary of Recount Results (SBE-802-LS)* form for this locality.

**If a number of Challenged Ballots indicated:**
If a number of Challenged Ballots is indicated on the front of the *Challenged Ballots Envelope (SBE-802-CB)*, open the envelope and verify that the number of ballots enclosed equals the number entered on the envelope and that a challenge slip is attached to each one. The **accountant** should enter the verified number in the column labeled "No. of Challenged Ballots" for that precinct on the *Locality Summary of Recount Results (SBE-802-LS)* form for this locality.

**If no number of Challenged Ballots indicated:**
If no number of Challenged Ballots is indicated on the front of the *Challenged Ballot Envelope (SBE-802-CB)*, the envelope must be opened to verify whether or not it is empty. Also, check the precinct supporting forms attached to the *Challenged Ballot Envelope* to find the number of optical scan and/or paper ballots listed as challenged. The **accountant** should enter the verified number in the column labeled "No. of Challenged Ballots" for that precinct on the *Locality Summary of Recount Results (SBE-802-LS)* form for this locality.

If any discrepancy is discovered, the **party lawyers** should be notified immediately; the issue shall be noted on the *Challenged Ballot Envelope (SBE-802-CB)*; and the envelope shall be signed by the Department of Elections representative and the two party representative on the **Floor Team**. The number of paper and optical scan ballots challenged can be re-checked by examining the supporting documents.

IV. Examine each Challenged Ballot one at a time.

Check the information on the *"Statement of Recount Official"* included in the *SBE-802-CB* form attached to the ballot to be sure that it has been completed and signed. If the form has not been signed by a recount official, the ballot cannot be counted for any candidate.

- **After this initial review, both party representatives should be allowed to carefully examine the ballot, without handling it.**
- **If there is any question about the voter's intent, please refer to the Department of Elections ballot examples.**
- **If both party representatives agree on whether the challenged ballot is to be counted and for which candidate in the recount, then on the back of the *"Statement of Recount Official"* the Department of Elections staff member on the Floor Team should either write "not counted for any candidate" or should indicate for which candidate it is to be counted.**

- **When all the challenged ballots have been examined, if there are any on which the two party representatives have not agreed, the Floor Attorneys for the two sides should be summoned to the table.**
- **If the Floor Attorneys for both sides agree, the form should be marked according to their decision.**
- **If they do not agree, the form will be marked with the locality name, precinct name and precinct number then referred to the Appeals Team through the Runner.**

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~~**The Department of Elections staff member on the Floor Team, will count the challenged ballots, in full view of the observers, and the accountant, should enter the number for each candidate on the *Locality Summary of Recount Results (SBE-802-LS)* form for this precinct and locality. Note on the *Challenged Ballot Envelope* the number of ballots that have been referred to the Appeals Team, if any, and reseal the *Challenged Ballot Envelope* with a paper seal signed and dated by both candidate representatives and the Department of Elections staff member on the Floor Team.**~~

4) **Open** the package.

a. Remove one envelope at a time.

b. Ensure there is an 802-CB attached to a Challenged Ballot (CB) Envelope.

c. Ensure the 802-CB is signed by the Recount Officials for that precinct.

d. I~~D~~dentify ~~P~~precinct and locate the precinct on the Recount Certification – County or City Results by Precinct form.

5) **Examine** the CB Envelope

a. **If zero indicated on front of envelope**, hold envelope to the light and ensure envelope it is empty.
   i. **Accountant** shall enter ZERO on the 802-LS

b. **If a number is indicated on front of envelope**, open the envelope and verify the number of ballots included equals the number indicated on the form.

   i. **Accountant** should enter the number of ballots challenged on 802-LS
      1. Ensure each challenged ballot has an 802-CB attached to it.

   ii. Allow each party to examine, but not handle, the challenged ballot one at a time. (if there is any question, refer to the Department of Elections Ballot Examples)

      1. If the two **Party Representatives agree** on which candidate the ballot should be counted for, then mark on the back of the 802-CB the name of the candidate the candidate for which the ballot shall be counted for.

      2. If the two **Party Representatives do NOT agree**, then request the **Appeals Team** over to review the ballot.
         a. If **parties agree**, then follow procedure above for counting the ballot.
         b. If **parties do NOT agree**, then provide the ballot to the Runner who will take it to the Clerk for review by the Court.

c. **If no number is entered on front of envelope**, open to verify if the envelope is empty.

   i. Review 802-PR to find the number of ballots challenged.

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ii. Accountant should enter the number found on 802-LS.

iii. ~~A~~If a challenged ballot is present, allow each party to examine, but not handle, the challenged ballot one at a time. (if there is any question, refer to the Department of Elections Ballot Examples)

1. If the two **party representatives agree** on which candidate the ballot should be counted for, then mark on the back of the 802-CB the name of the candidate the candidate for which the ballot shall be counted for.

2. If the two **party representatives do NOT agree**, then request the **Appeals Team** over to review the ballot.
   a. If **parties agree**, then follow procedure above for counting the ballot.
   b. If **parties do NOT agree**, then provide the ballot to the Runner who will take it to the Clerk for review by the Court

6) **Finalize** the Locality Results

a. Once all ballots have been determined, the accountant will complete the 802-LS.
   i. ELECT staff and the party reps should confirm the 802-LS is entered correctly and initial under the totals.

b. Call a **Runner** to take the **802-LS** ~~and **802-CC**~~ to one of the **Summary Teams**.

c. Call a **Runner** to take the **locality materials** back to the **Clerk**.

## Final Certification of Results: Re-seal material

After the **Floor Team** has completed the 802-LS *Recount Certification – County or City Results by Precinct,* the materials are transported to the **Summary Team**.

1) The **Summary Team** checks the math and completeness of the *Locality Summary of Recount Results (SBE-802-LS).*
2) The **Summary Team** transfers the vote totals for each candidate in each locality from the *Locality Summary of Recount Results (SBE-802-LS)* to the Court *Certification of Recount (SBE-802-CC)* form.
3) The **Summary Team** transfers any information regarding challenged ballots (SBE-802-CB) received from the **Appeals Team** or the **Recount Court** on the *Court Certification of Recount (SBE-802-CC)* form.
4) The accountant on the **Summary Team** verifies the accuracy of the *Court Certification of Recount* (SBE-802-CC) form.
5) The *Court Certification of Recount* (SBE-802-CC) form is submitted to the **Recount Court** for their certification.

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# After the Recount

## Issuance of Certificate of Election

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The person having the highest number of votes shall be deemed to have been elected to such office and shall receive a certificate of election. The Attorney General's office has determined that the certificate of election should be issued by the local electoral board even though an election is being recounted. There are no provisions of §24.2-802 ~~which~~that would delay the local electoral board's issuance of the certificate of election as required by §24.2-676.

If the Court's certification of the recount declares the losing candidate the winner, a new certificate of election must be issued, making the original certificate null and void.

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## Update Results on Department of Elections Website

Localities involved in a recount may need to change their election results. §24.2-671 requires there to be a record of all changes to vote totals made after Election Day. Therefore, all localities must enter a "Reason for Change" in VERIS before they can change their vote totals. These changes will be reflected on the Department of Elections website. The Department of Elections generally does not publish local results since they are not the certifying agent. However, since most local elections are held on an Election Day in which the Department of Elections is the certifying agent, local office results are included. The website will be updated accordingly.

## Return and Final Retention of Material

All of the recount material received from each city or county comprising the district being recounted should be resealed and signed by the Recount Court's designated officers tabulating the results, and preferably also by representatives for the parties to the recount if present, and then securely stored by the Clerk of Court for the Circuit Court in which the recount was held. These materials should remain secured and sealed until the time for the candidate losing the recount to initiate a contest has expired. See **C**ontests near the beginning of this document and § 24.2-814 allowing 10 days from recount court order declaring winner to file contest.

If the recount was for a primary or election for a General Assembly seat, statewide office or federal office, the Department of Elections will check with the appropriate office to determine if a contest has been filed by the deadline, and then notify the Clerk. If no contest is pending, the records for the Clerk's own locality should then be treated as prescribed by law for other records from that same election date ~~which~~that are in the custody of the Clerk.

Materials sent from any other localities in the district to be recounted should be returned to the Clerks for those localities, again to be treated in the same manner as other records from that election date ~~which~~that are in the custody of the Clerk. The other Clerks may want to

pick up the records, or the sending Clerk may have them delivered personally or by a method that includes tracking of delivery. If the materials are picked up or delivered personally, both Clerks should keep a record documenting the transaction.

In the case of a primary or election for a county, city or town office, or local district office, any contest would be filed with the Circuit Court where the challenged candidate resides. Unless the recount was for a shared local office, the Clerk of the Court ~~which~~that conducted the recount will receive any contest filed, or should check with the Clerk where the winning candidate resides to determine if a contest has been filed by the deadline.

## ~~Appendix~~

## ~~Conversion to 11/2011 Versions of Department of Elections Recount Forms and Instructions~~

| | | |
|---|---|---|
| ~~**2011**~~ | ~~**SBE-802-PR**~~<br><br>~~Source: § 24.2-802(D)~~ | ~~**Recount Precinct Results For All Voting Systems**~~ |
| | | |
| | ~~*REPLACES*~~ | |
| ~~2008~~ | ~~654R-DE~~ | ~~DRE AND paper OR optical scan precinct results form (with consolidated DRE results)~~ |
| ~~2008~~ | ~~654R-DE2~~ | ~~DRE and paper ballots results form (without consolidation tapes)~~ |
| ~~2008~~ | ~~654R-DE3~~<br><br>~~(added 2008)~~ | ~~DRE and paper AND optical scan precinct results form (with consolidated DRE results) (NEW 12/11/08)~~ |
| ~~2008~~ | ~~654R1~~ | ~~Pollbooks and paper ballots form~~ |
| ~~2008~~ | ~~654R1-PB~~ | ~~Precinct results – paper ballots~~ |
| ~~2008~~ | ~~654R-OS~~ | ~~Precinct results – pollbooks and optical scan~~ |
| | | |
| ~~**2011**~~ | ~~**SBE-802-SBS**~~<br><br>~~Source: § 24.2-802(D)~~ | ~~**Virginia Election Recounts: Step-by-Step Instructions (Includes Precinct Instructions for Recount Officials & Coordinators – All Voting Systems)**~~ |
| | ~~*REPLACES*~~ | |
| ~~2008~~ | ~~DE-I-OS-2008~~ | ~~Recount Official Inst. DRE and Optical Scan~~ |
| ~~2008~~ | ~~DE-II-OS-2008~~ | ~~Coordinator. Inst. DRE and Optical Scan~~ |
| ~~2008~~ | ~~DE-I-OS-PAPER – 2008~~<br><br>~~(added 12/2008)~~ | ~~Recount Official Inst. DRE and Optical Scan and Paper Ballots (new 12/11/08)~~ |
| ~~2008~~ | ~~DE-II-OS-PAPER – 2008~~<br><br>~~(added 2008)~~ | ~~Coordinator. Inst. DRE and Optical Scan and Paper Ballots (new 12/11/08)~~ |
| ~~2008~~ | ~~DE-I-PAPER-2008~~ | ~~Recount Official Inst. DRE and Paper ballots~~ |
| ~~2008~~ | ~~DE-II-PAPER-2008~~ | ~~Coordinator. Inst. DRE and Paper ballots~~ |
| ~~2008~~ | ~~OS-I-2008~~ | ~~Recount Official Inst. Optical Scan~~ |
| ~~2008~~ | ~~OS-II-2008~~ | ~~Coordinator. Inst. Optical Scan~~ |

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| ~~2008~~ | ~~PB-I 2008~~ | ~~Recount Official Inst. Paper ballots only~~ |
| ~~2008~~ | ~~PB-II 2008~~ | ~~Coordinator. Inst. Paper ballots only~~ |
| | | |
| ~~**2011**~~ | ~~**SBE-802-MA (New)**~~ | ~~**Precinct Manual Recount Tally Sheet (optional)**~~ |
| | | |
| ~~**2011**~~ | ~~**SBE-802-CB**~~<br><br>~~Source: § 24.2-802(D)(2nd paragraph after subsection (3)~~ | ~~**Challenged Ballots**~~ |
| | ~~*RENAMES*~~ | |
| ~~2008~~ | ~~654R2~~ | ~~Challenged ballots form~~ |

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| ~~**2011**~~ | ~~**SBE-802-F**~~<br><br>~~Source: § 24.2-802(F)~~ | ~~**Recount Reimbursement for Official/Alternate**~~ |
| | ~~*REPLACES*~~ | |
| ~~2008~~ | ~~653R6~~ | ~~Reimburse recount official form~~ |
| ~~2008~~ | ~~654R7~~ | ~~Reimburse alternate form~~ |
| | | |
| ~~**2011**~~ | ~~**SBE-802-LS**~~<br><br>~~Source: § 24.2-802(D)(3rd paragraph after subsection (3)~~ | ~~**Locality Summary of Recount Results** (Completed by the Court)~~ |
| | ~~*RENAMES*~~ | |
| ~~2008~~ | ~~654R4~~ | ~~County or City Results by Precinct (Completed by the Court)~~ |
| | | |
| ~~**2011**~~ | ~~**SBE-802-CC**~~<br><br>~~Source: § 24.2-802(D)(3rd paragraph after subsection (3)~~ | ~~**Court Certification of Recount Results (District Summary)** (Completed by the Court)~~ |
| | ~~*RENAMES*~~ | |
| ~~2008~~ | ~~654R5 (222R5)~~ | ~~Certification of Recount (Completed by the Court~~ |
| | | |
| | ~~*UPDATED*~~ | |
| ~~2011~~ | ~~Appendix C to Recount Standards~~ | ~~Recount Instructions (SBE-802-SBS) (current list proposed for adoption by Board and incorporatio by reference into Recount Standards)~~ |

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there's a discrepancy between Chris Piper's step-by-step and the original recount guidance. Piper's version doesn't include the additional step of having the Floor Attorneys review challenged ballots that are not agreed upon. Since Piper's version is more current, his was the version I used.

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# RECOUNT PRECINCT REPORT

**Precinct || Office || District:**
**Election Date:**
**Recount Date:**

**County/City of:** _____ **Election Date:** _____

**Precinct:** _____ **Election Type:** _____

**Date of Recount:** _____ **Office:** _____ **District:** _____

## PART E - **DO NOT SIGN UNTIL ALL OTHER MATERIALS ARE COMPLETE**

**CERTIFICATION —** We hereby swear/affirm, under felony penalty for making willfully false material statements or entries, that all of the information entered heron is true and correct.

**WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO $2,500. (Va. Code § 24.2-1016)**

1. _____
Recount Official's Signature - Team 1

_____
Printed Name

2. _____
Recount Official's Signature - Team 1

_____
Printed Name

3. _____
Recount Official's Signature - Team 2 (if applicable)

_____
Printed Name

4. _____
Recount Official's Signature - Team 2 (if applicable)

_____
Printed Name

**All Recount Officials who participated in recounting the votes <u>in this precinct</u> must sign the certification.**

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**RECOUNT PRECINCT REPORT**

**Precinct || Office || District:**
**Election Date:**
**Recount Date:**

***ATTACH BALLOT SCANNER MACHINE TAPE FOR RECOUNT OF THIS PRECINCT TO BACK OF THIS PAGE (STAPLE TOP RIGHT ▲▲)***
***AFTER COMPLETING ENTRY OF SCANNER MACHINE RESULTS IN PARTS B AND C.***

| **Part A - 1 – Certification of Precinct Ballot Scanner Machine Counter** | | **Calculation or Source** | **Scanner 1** | **Scanner 2[1]** | **Total (Scanner 1 + Scanner 2)** | |
|---|---|---|---|---|---|---|
| **A1** | Ballot Scanner Machine Serial Number (used to recount this precinct, if applicable) | **From Machine** | | | | **A1** |
| **A2** | Number on This Scanner's Public Counter – After Recount (if applicable) | **Public Counter** | | | | **A2** |
| **A3** | Number on This Scanner's Public Counter – Before Recount (if applicable) | **Public Counter** | | | | **A3** |
| **A4** | **Public Counter Difference** (Must Equal the Number of Ballots Read By the Scanner During Recount [From Tape]) | **= A2 – A3** | | | Carry **to C1(i)** | **A4** |

| **Part A - 2 – Certification of Precinct Manual Count** | | **Calculation or Source** | **Total** | |
|---|---|---|---|---|
| **A5** | Number of *Manually* Counted Machine-readable Ballots[2] | **Count** | Carry **to C2(i)** | **A5** |
| **A6** | Number of Paper Ballots Counted in Recount (DOES NOT INCLUDE MANUALLY COUNTED MACHINE-READABLE BALLOTS) | **Count** | Carry **to C3(i)** [3] | **A6** |
| **A7** | Number of Paper Ballot Voters as indicated on all paper pollbooks for the precinct, or on Electronic Pollbook (EPB) | **Pollbooks** | [3] | **A7** |
| **A8** | Number of Paper Ballot Voters as indicated by line A9 of SOR (A18 if absentee ballots were counted in the precinct) | **SOR line A9** | [3] | **A8** |

[1] If only one scanner is being used, enter "0" in each of the second column cells.
[2] This includes all manually counted machine-readable ballots, including ballots examined from Box/Envelope #3 (Counted Ballots) but voided by voter (including overvoted), undervoted, voted for other candidates, drawn or challenged by a recount official (also see Part C).
[3] If A7 and A8 are different, or A6 is not the same as *both* A7 and A8, recount officers should explain the reasons for the difference -- as best they know or can determine -- on the reverse side of this page.

| | | | | |
|---|---|---|---|---|
| A9 | Total Machine-readable and Paper Ballots Manually Counted in Recount | = A5 + A6 | | A9 |

| Part B - 1 – DRE Voting Machines (Serial # and Number of Voters) | | Calculation or Source | VM-1 or Consolidation Tape[4] | VM-2 | VM-3 | VM-4 | VM-5 | VM-6 | | |
|---|---|---|---|---|---|---|---|---|---|---|
| B1 | Machine Serial Number | Machine Tag or Tape | | | | | | | Total Voters | B1 |
| B2 | Total Number of Voters Who Voted on This DRE | Public Counter or Tape | | | | | | | Carry to C4(i) | B2 |
| **Part B - 2 – Certification of DRE Machine Results for Precinct** | | **Calculation or Source** | **VM-1 or Consolidation Tape[4]** | **VM-2** | **VM-3** | **VM-4** | **VM-5** | **VM-6** | **Candidate Totals** | |
| B3 | Candidate Name _____ ( ) | Machine Tape | | | | | | | Should = C4(ii) | B3 |
| B4 | Candidate Name _____ ( ) | Machine Tape | | | | | | | Should = C4(iii) | B4 |
| B5 | Total votes for both candidates on DRE(s) | = B3 + B4 | | | | | | | Should = C4(iv) | B5 |

[4] If **consolidation tape** available, list total number of voters and results for recount candidates from consolidation tape under **VM-1 above** and **list all serial numbers for DREs included in the consolidation tape below**. If any DRE is not included in the consolidation tape, list the serial number and results for each such machine under VM-2, etc. Use additional copies of page if needed.

_____ _____ _____ _____ _____ _____ _____ _____ _____

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| B6 | DRE ballots undervoted or voted for other candidates (this office) | = B2 - B5 | | | | | | | Carry to C8(iii) | B6 |

## Part B - 3 – If DRE Tape(s) Must Be Rerun

Complete this part if any DRE tape from the precinct was missing or not clear, and the recount officers were directed to rerun the tape(s). Compare the seal on each machine opened to the final seal number listed for that machine on the key envelope.

**I. Do the seal and key envelope numbers for the reopened machine(s) agree?** ❑ YES ❑ NO

If **NO**, mark the serial number of the machine on which a discrepancy was found with a check (✓) in Part B-1 on previous page and complete A through E below. Attach the precinct Statement of Results from the election (including all pages and attached tapes).

A. Machine#: _____

B. _____ Number on Protective Counter

C. _____ Number on Public Counter

D. _____ seal # on key envelope

E. _____ seal # on machine

**II. Seal(s) intact?** ❑ YES ❑ NO

If **NO**, mark that machine number with an asterisk (*) in Part B-1 on previous page. Enter, on the reverse side of this page, a description of the machine condition and complete lines F through H below. Attach the precinct Statement of Results from the election (including all pages and attached tapes).

F. Machine#: _____

G._____ Number on Protective Counter

H. _____ Number on Public Counter

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**RECOUNT PRECINCT REPORT**

**Precinct || Office || District:**
**Election Date:**
**Recount Date:**

## Part C - Certification of Official Ballots

| | **VOTES CAST FOR CANDIDATES IN RECOUNT**<br>**IMPORTANT:**<br>- Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)]<br>- Lines C6-C9 include all other ballots | **(i)**<br>Total Number Voting | **(ii)**<br>Candidate Name<br>_____<br>_____<br>_____<br>( ) | **(iii)**<br>Candidate Name<br>_____<br>_____<br>_____<br>( ) | **(iv)**<br>Total Cast for Candidates<br>**(ii) + (iii)** | |
|---|---|---|---|---|---|---|
| **C1** | **Total Ballots Read by Ballot Scanner Machine in Recount** (From tape; when finished attach tape to back of page with Part A.) | **A4 Total =** | | | | **C1** |
| **C2** | **Total Machine-readable Ballots *Manually* Counted in Recount** | **A5 Total =** | | | | **C2** |
| **C3** | **Total Paper Ballots Counted in Recount** | **A6 Total =** | | | | **C3** |
| **C4** | **Total DRE Machine Count**<br>[If no DREs used, mark each "0".] | **B2 Total =** | SHOULD = **LINE B3 TOTAL** | SHOULD = **LINE B4 TOTAL** | SHOULD = **LINE B5 TOTAL** | **C4** |
| **C5** | **Total Votes**<br>(Add C1 through C4 in each column) | | | | | **C5** |
| **C6** | | Paper Ballots Drawn (during recount) (§ 24.2-802) | | | | **C6** |
| **C7** | Overvoted Ballots (plus ballots otherwise voided *by Voter*) § 24.2-663 | **Machine-readable** | **Paper** | | **C7(i) + C7(ii)=** | **C7** |
| **C8** | Ballots Undervoted or Voted for Other Candidates | **Machine-readable** | **Paper** | **DRE** | **C8(i) + C8(ii) + C8(iii) =** | **C8** |
| **C9** | Challenged Ballots (enclosed in attached envelope) | **Machine-readable** | **Paper** | | **C9(i) + C9(ii) =** | **C9** |
| **C10** | | **TOTAL [Add C5 through C9 in column (iv)**<br>**Should equal C5 column (i)** | | | Carry **to D5 and D10** | **C10** |

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**RECOUNT PRECINCT REPORT**

**Precinct || Office || District:**

**Election Date:**

**Recount Date:**

| **Part D - 1 – Paper Pollbook Count (PBC) and Reconciliation** | | **Division** _____ - _____ | **Division** _____ - _____ | **Division** _____ - _____ | **Division** _____ - _____ | **Calculation or Number** | **Total Pollbook Count** | |
|---|---|---|---|---|---|---|---|---|
| **D1** | Enter **last PBC Numbe**r for each division from PBC Count Sheet | | | | | **Total of Division Counts** | | **D1** |
| **D1-PB** | Enter **number of Paper Ballots cast** (from Pollbooks by division) | | | | | **Total of Division Counts** | | **D1-PB** |
| **D2** | **Number of cancelled DRE Ballots** – (DRE ballots that were CANCELLED because the voter left the booth without casting his/her ballot. Copy from precinct SOR.) | | | | | | | **D2** |
| **D3** | **Number of voided Machine-readable and Paper Ballots** - (Ballots that were VOIDED because the voter left the booth without casting his/her ballot. DO NOT include ballots spoiled by voter and replaced. Copy number from precinct SOR.) | | | | | | | **D3** |
| **D4** | **Total Number of Cancelled DRE and VOIDED Machine-readable and Paper Ballots** | | | | | **= D2 + D3** | | **D4** |
| **D5** | **Pollbook Count Reconciliation** - Subtract Total number of CANCELLED DRE and VOIDED Machine-readable and Paper ballots from Total Pollbook Count. ****D5 should not be *more* than C10**** | **C10 =** | | | | **= D1 – D4** | | **D5** |

| **Part D - 2 – Electronic Pollbook (EPB) Count and Reconciliation** | | | **Calculation or Number** | **Total Pollbook Count** | |
|---|---|---|---|---|---|
| **D6** | Enter the **total voters Checked-In Count** from the EPB | | | | **D6** |
| **D7** | **Number of cancelled DRE Ballots** - (DRE Ballots that were CANCELLED because the voter left the booth without casting his/her ballot. **Copy number from Part C1 of precinct SOR**.) | | | | **D7** |
| **D8** | **Number of voided Machine-readable and Paper Ballots** - (Ballots that were VOIDED because the voter left the booth without casting his/her ballot. DO NOT include ballots spoiled by voter and replaced. Copy number from precinct SOR.) | | | | **D8** |
| **D9** | **Total Number of cancelled DRE and voided Machine-readable and Paper Ballots** | | **= D7 + D8** | | **D9** |
| **D10** | **Pollbook Count Reconciliation** - Subtract the number of CANCELLED DRE and VOIDED Machine-readable and Paper ballots from Total Pollbook Count. ****D5 should not be *more* than C10**** | **C10 =** | **= D6 – D9** | | **D10** |

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# RECOUNT PRECINCT RESULTS
## FOR ALL VOTING SYSTEMS

County/City of: _____ Election Date: _____

Precinct : _____ Election Type: _____

Date of Recount: _____ Office: _____ District: _____

| Part A - 1 – DRE Voting Machines (Serial # and Number of Voters) | | Calculation or Source | VM-1 or Consolidation Tape* | VM-2 | VM-3 | VM-4 | VM-5 | VM-6 | |
|---|---|---|---|---|---|---|---|---|---|
| A1 | Machine Serial Number | Machine Tag or Tape | | | | | | | Total Voters |
| A2 | Total Number of Voters Who Voted on This DRE | Public Counter or Tape | | | | | | | Carry to C1(A) |

| Part A - 2 -- Certification of DRE Machine Results for Precinct | | Calculation or Source | VM-1 or Consolidation Tape* | VM-2 | VM-3 | VM-4 | VM-5 | VM-6 | Candidate Totals |
|---|---|---|---|---|---|---|---|---|---|
| A3 | Candidate Name _____ ( ) | Machine Tape | | | | | | | Carry to C1(C) |
| A4 | Candidate Name _____ ( ) | Machine Tape | | | | | | | Carry to C1(D) |
| A5 | *Total votes for both candidates on DRE(s)* | = A3 + A4 | | | | | | | Should=C1(B) |
| A6 | *DRE ballots undervoted or voted for other candidates (this office)* | = A2 - A5 | | | | | | | Carry to C8(G) |

* If **consolidation tape** available, list total number of voters and results for recount candidates from consolidation tape under **VM-1 above** and **list all serial numbers for DREs included in the consolidation tape below**. If any DRE is not included in the consolidation tape, list the serial number and results for each such machine under VM-2, etc. Use additional copies of page if needed.

_____ _____ _____ _____ _____ _____ _____ _____ _____

# RECOUNT PRECINCT RESULTS
## FOR ALL VOTING SYSTEMS

### Part A - 3 -- If DRE Tape(s) Must Be Rerun

Complete this part if any DRE tape from the precinct was missing or not clear, and the recount officers were directed to rerun the tape(s). Compare the seal on each machine opened to the final seal number listed for that machine on the key envelope.

**I. Do the seal and key envelope numbers for the reopened machine(s) agree?** ❑ YES ❑ NO

If **NO**, mark the number of the serial machine on which a discrepancy was found with a check (%) in Part A-1 on previous page and complete A through E below. Attach the precinct Statement of Results from the election (including all pages and attached tapes).

A. Machine#: _____

B. _____ Number on Protective Counter

C. _____ Number on Public Counter

D. _____ seal # on key envelope

E. _____ seal # on machine

**II. Seal(s) intact?** ❑ YES ❑ NO

If **NO**, mark that machine number with an asterisk (*) in Part A-1 on previous page. Enter, on the reverse side of this page, a description of the machine condition and complete lines F through H below. Attach the precinct Statement of Results from the election (including all pages and attached tapes).

F. Machine#: _____

G. _____ Number on Protective Counter

H. _____ Number on Public Counter

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# RECOUNT PRECINCT RESULTS
## FOR ALL VOTING SYSTEMS

***ATTACH OPTICAL SCANNER TAPE FOR RECOUNT OF THIS PRECINCT TO BACK OF THIS PAGE (STAPLE TOP RIGHT ▲▲) AFTER COMPLETING ENTRY OF OPTICAL SCAN MACHINE RESULTS IN PARTS B AND C.***

| **Part B – Certification of Precinct Optical Scan Ballot Counter and Manual Count** | | | | **Calculation or Source** | |
|---|---|---|---|---|---|
| **B1** | Optical Scanner Serial Number (used to recount this precinct, if applicable) | | | **From Machine** | |
| **B2** | Number on This Scanner's Public Counter – After Recount (if applicable) | | | **Public Counter** | |
| **B3** | Number on This Scanner's Public Counter – Before Recount (if applicable) | | | **Public Counter** | |
| **B4** | **Public Counter Difference** (Must Equal the Number of Ballots Read By the Optical Scanner During Recount [From Tape]) | | | **= B2 – B3** | ✍ |
| **B5** | Number of *Manually* Counted Optical Scan Ballots * | | | **Count** | |
| | **B6** | Number of Paper Ballot Voters as indicated on all paper pollbooks for the precinct, or on Electronic Pollbook (EPB) | ** | | |
| | **B7** | Number of Paper Ballot Voters as indicated by line A9 of SOR (A18 if absentee ballots were counted in the precinct) | ** | | |
| **B8** | Number of Paper Ballots Counted in Recount* | | | **Count** | ** |
| **B9** | **Total Optical Scan and Paper Ballots Counted in Recount** | | | **= B5 + B8** | ✍ |

* This includes all ballots of this type which are manually counted in the recount. This includes any ballots examined from Box/Envelope #3 (Counted Ballots), but voided by voter (including overvoted), undervoted, voted for other candidates, drawn or challenged by a recount official (also see Part C).

** If B6 and B7 are different, or B8 is not the same as *both* B6 and B7, recount officers should explain the reasons for the difference -- as best they know or can determine -- on the reverse side of this page.

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# RECOUNT PRECINCT RESULTS
## FOR ALL VOTING SYSTEMS

**Part C - Certification of Official Ballots**

| | **VOTES CAST FOR CANDIDATES IN RECOUNT** (In lines C1 through C5, include only ballots cast for candidates who are parties to the recount and whose names are listed at right. Account for all other ballots in lines C6 through C9.) | (A) Total Number Voting | (B) Total Cast for Candidates (C + D) | (C) Candidate Name _____ _____ _____ ( ) | (D) Candidate Name _____ _____ _____ ( ) |
|---|---|---|---|---|---|
| **C1** | **Total DRE Machine Count** (Copy A, C and D for this line from Parts A-1 and A-2 - voter and candidate **totals**; If no DREs used, mark each "0".) | Line A2 Total | (CHECK: SHOULD = LINE A5 TOTAL) | Line A3 Total | Line A4 Total |
| **C2** | **Total Ballots Read by Optical Scanner in Recount** (From tape; when finished attach tape to back of page with Part B.) | Line B4 | | | |
| **C3** | **Total Optical Scan Ballots *Manually* Counted in Recount** | Line B5 | | | |
| **C4** | **Total Paper Ballots Counted in Recount** | Line B8 | | | |
| **C5** | **Total Votes** (Add C1 through C4 in each column) | | | | |

| | | | (E) Op.Scan | (F) Paper | (G) DRE |
|---|---|---|---|---|---|
| **C6** | Paper Ballots Drawn (during recount) (§ 24.2-662) | | | | |
| **C7** | *Manually* Counted Ballots Voided by Voter (Includes Overvoted; § 24.2-663) *[For C7 - C9, list separately by ballot voting system]* | = E + F | | | |
| **C8** | Ballots Undervoted or Voted for Other Candidates | = E + F + G | | | Line A6 Total |
| **C9** | Challenged Ballots (enclosed in attached envelope) | = E + F | | | |
| **C10** | **TOTAL (Add C5 through C9 in column B)** (Crosscheck: Should equal column A, line C5) | | | | |

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

# RECOUNT PRECINCT RESULTS
## FOR ALL VOTING SYSTEMS

| Part D - 1 – Paper Pollbook Count (PBC) and Reconciliation | | Division _____ - _____ | Division _____ - _____ | Division _____ - _____ | Division _____ - _____ | Calculation or Number | Total Pollbook Count |
|---|---|---|---|---|---|---|---|
| D1 | Enter **last PBC Numbe**r for each division from PBC Count Sheet | | | | | **Total of Division Counts** | ✍ |
| D1-PB | Enter **number of Paper Ballots cast** (from Pollbooks by division) | | | | | **Total of Division Counts** | ✍ |
| D2 | **Number of cancelled DRE Ballots** – (DRE ballots that were CANCELLED because the voter left the booth without casting his/her ballot. Copy from precinct SOR.) | | | | | | |
| D3 | **Number of voided Optical Scan and Paper Ballots** - (Ballots that were VOIDED because the voter left the booth without casting his/her ballot. DO NOT include ballots spoiled by voter and replaced. Copy number from precinct SOR.) | | | | | | |
| D4 | **Total Number of Cancelled DRE and VOIDED Optical Scan and Paper Ballots** | | | | | **= D2 + D3** | ✍ |
| D5 | **Pollbook Count Reconciliation** - Subtract Total number of CANCELLED DRE and VOIDED Optical Scan and Paper ballots from Total Pollbook Count. (Cross check: D5 should not be *more* than C10.) | | | | | **= D1 – D4** | ✍ |

| Part D - 2 – Electronic Pollbook (EPB) Count and Reconciliation | | Calculation | Total Pollbook Count |
|---|---|---|---|
| D1 | Enter the **total voters Checked-In Count** from the EPB | | |
| D2 | **Number of cancelled DRE Ballots** - (DRE Ballots that were CANCELLED because the voter left the booth without casting his/her ballot. Copy number from Part C1 of precinct SOR.) | | |
| D3 | **Number of voided Optical Scan and Paper Ballots** - (Ballots that were VOIDED because the voter left the booth without casting his/her ballot. DO NOT include ballots spoiled by voter and replaced. Copy number from precinct SOR.) | | |
| D4 | **Total Number of cancelled DRE and voided Optical Scan and Paper Ballots** | **= D2 + D3** | ✍ |
| D5 | **Pollbook Count Reconciliation** - Subtract the number of CANCELLED DRE and VOIDED Optical Scan and Paper ballots from Total Pollbook Count. (Cross check: D5 should not be *more* than C10.) | **= D1 – D4** | ✍ |

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

# RECOUNT PRECINCT RESULTS
## FOR ALL VOTING SYSTEMS

**PART E -**

**CERTIFICATION —** We hereby swear/affirm, under felony penalty for making willfully false material statements or entries, that all of the information entered heron is true and correct.

**WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO $2,500. (Va. Code § 24.2-1016)**

1. _____
Recount Official's Signature - Team 1

_____
Printed Name

2. _____
Recount Official's Signature - Team 1

_____
Printed Name

3. _____
Recount Official's Signature - Team 2 (if applicable)

_____
Printed Name

4. _____
Recount Official's Signature - Team 2 (if applicable)

_____
Printed Name

**All Recount Officials who participated in recounting the votes <u>in this precinct</u> must sign the certification.**

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Commonwealth of Virginia
**RECOUNT CERTIFICATION**
**COUNTY OR CITY RESULTS BY PRECINCT**



[TO BE APPROVED BY THE COURT]

☐County ☐City of _____ Date of Election: _____

Number of Precincts: _____ Office: _____

Date of Recount: _____ District: _____

| Precinct Number | Precinct Name | NUMBER OF VOTES CAST: Candidate Name | Candidate Name | No. of Challenged Ballots |
|---|---|---|---|---|
| CAP | Central Absentee Precinct | | | |
| | Challenged Ballots Counted by Court | | | |
| PV | Provisional Ballots (From those originally counted by the Electoral Board) | | | |
| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
| **PAGE 1 TOTAL** | | | | |

Commonwealth of Virginia
**RECOUNT CERTIFICATION**
**COUNTY OR CITY RESULTS BY PRECINCT**



[TO BE APPROVED BY THE COURT]

☐County ☐City of _____ Date of Election: _____

Number of Precincts: _____ Office: _____

Date of Recount: _____ District: _____

| | | NUMBER OF VOTES CAST | | |
|---|---|---|---|---|
| Precinct Number | Precinct Name | CANDIDATE NAME | CANDIDATE NAME | NO. OF CHALLENGED BALLOTS |
| | | | | |
| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
| **PAGE 2 TOTAL** | | | | |

Commonwealth of Virginia
**RECOUNT CERTIFICATION**
**COUNTY OR CITY RESULTS BY PRECINCT**



[TO BE APPROVED BY THE COURT]

☐County ☐City of _____ Date of Election: _____

Number of Precincts: _____ Office: _____

Date of Recount: _____ District: _____

| | | NUMBER OF VOTES CAST | | |
|---|---|---|---|---|
| Precinct Number | Precinct Name | CANDIDATE NAME | CANDIDATE NAME | NO. OF CHALLENGED BALLOTS |
| | | | | |
| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
| **PAGE 3 TOTAL** | | | | |

Commonwealth of Virginia
**RECOUNT CERTIFICATION**
**COUNTY OR CITY RESULTS BY PRECINCT**



[TO BE APPROVED BY THE COURT]

☐County ☐City of _____ Date of Election: _____

Number of Precincts: _____ Office: _____

Date of Recount: _____ District: _____

| | | NUMBER OF VOTES CAST | | |
|---|---|---|---|---|
| Precinct Number | Precinct Name | CANDIDATE NAME | CANDIDATE NAME | NO. OF CHALLENGED BALLOTS |
| | | | | |
| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
| **PAGE 4 TOTAL** | | | | |

Commonwealth of Virginia
**RECOUNT CERTIFICATION**
**COUNTY OR CITY RESULTS BY PRECINCT**



[TO BE APPROVED BY THE COURT]

☐County ☐City of _____ Date of Election: _____

Number of Precincts: _____ Office: _____

Date of Recount: _____ District: _____

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| **TOTAL FROM PAGE 1** | | | |
| **TOTAL FROM PAGE 2** | | | |
| **TOTAL FROM PAGE 3** | | | |
| **TOTAL FROM PAGE 4** | | | |
| **LOCALITY TOTAL** | | | |

_____
Chief Judge of Recount Court

_____
Recount Judge

_____
Recount Judge

Commonwealth of Virginia
**RECOUNT CERTIFICATION**
**COUNTY OR CITY RESULTS BY PRECINCT**



[TO BE APPROVED BY THE COURT]

☐County ☐City of _____ Date of Election: _____

Number of Precincts: _____ Office: _____

Date of Recount: _____ District: _____

| Precinct Number | Precinct Name | NUMBER OF VOTES CAST: Candidate Name | Candidate Name | No. of Challenged Ballots |
|---|---|---|---|---|
| CAP | Central Absentee Precinct | | | |
| | Challenged Ballots Counted by Court | | | |
| PV | Provisional Ballots (From those originally counted by the Electoral Board) | | | |
| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
| **PAGE 1 TOTAL** | | | | |

Commonwealth of Virginia
**RECOUNT CERTIFICATION**
**COUNTY OR CITY RESULTS BY PRECINCT**



[TO BE APPROVED BY THE COURT]

☐County ☐City of _____ Date of Election: _____

Number of Precincts: _____ Office: _____

Date of Recount: _____ District: _____

| Precinct Number | Precinct Name | NUMBER OF VOTES CAST | | |
|---|---|---|---|---|
| | | CANDIDATE NAME | CANDIDATE NAME | NO. OF CHALLENGED BALLOTS |
| ~~CAP~~ | ~~Central Absentee Precinct~~ | | | |
| | Challenged Ballots Counted by Court | | | |
| ~~PV~~ | ~~Provisional Ballots (From those originally counted by the Electoral Board)~~ | | | |
| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
| **PAGE 2 TOTAL** | | | | |

Commonwealth of Virginia
**RECOUNT CERTIFICATION**
**COUNTY OR CITY RESULTS BY PRECINCT**



[TO BE APPROVED BY THE COURT]

☐County ☐City of _____ Date of Election: _____

Number of Precincts: _____ Office: _____

Date of Recount: _____ District: _____

| Precinct Number | Precinct Name | NUMBER OF VOTES CAST | | |
|---|---|---|---|---|
| | | CANDIDATE NAME | CANDIDATE NAME | NO. OF CHALLENGED BALLOTS |
| ~~CAP~~ | ~~Central Absentee Precinct~~ | | | |
| | Challenged Ballots Counted by Court | | | |
| ~~PV~~ | ~~Provisional Ballots (From those originally counted by the Electoral Board)~~ | | | |
| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
| **PAGE 3 TOTAL** | | | | |

Commonwealth of Virginia
**RECOUNT CERTIFICATION**
**COUNTY OR CITY RESULTS BY PRECINCT**



[TO BE APPROVED BY THE COURT]

☐County ☐City of _____ Date of Election: _____

Number of Precincts: _____ Office: _____

Date of Recount: _____ District: _____

| Precinct Number | Precinct Name | NUMBER OF VOTES CAST | | |
|---|---|---|---|---|
| | | CANDIDATE NAME | CANDIDATE NAME | NO. OF CHALLENGED BALLOTS |
| ~~CAP~~ | ~~Central Absentee Precinct~~ | | | |
| | Challenged Ballots Counted by Court | | | |
| ~~PV~~ | ~~Provisional Ballots (From those originally counted by the Electoral Board)~~ | | | |
| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
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| | Challenged Ballots Counted by Court | | | |
| **PAGE 4 TOTAL** | | | | |

Commonwealth of Virginia
**RECOUNT CERTIFICATION**
**COUNTY OR CITY RESULTS BY PRECINCT**



[TO BE APPROVED BY THE COURT]

☐County ☐City of _____ Date of Election: _____

Number of Precincts: _____ Office: _____

Date of Recount: _____ District: _____

| | | | |
|---|---|---|---|
| **TOTAL FROM PAGE 1** | | | |
| **TOTAL FROM PAGE 2** | | | |
| **TOTAL FROM PAGE 3** | | | |
| **TOTAL FROM PAGE 4** | | | |
| **LOCALITY TOTAL** | | | |

_____
Chief Judge of Recount Court

_____
Recount Judge

_____
Recount Judge

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Commonwealth of Virginia

# CERTIFICATION OF RECOUNT

[TO BE COMPLETED BY THE COURT]

SUMMARY

Date of Election:_____

Number of Localities: _____

Office: _____

District:_____

| COUNTY OR CITY NAME | CANDIDATE NAME | CANDIDATE NAME |
|---|---|---|
| Counties: | | |
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| TOTAL COUNTIES | | |
| **CONTINUE ON NEXT PAGE** | | |

Revise number of rows/pages as needed for each recount.

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Commonwealth of Virginia

# CERTIFICATION OF RECOUNT

[TO BE COMPLETED BY THE COURT]

SUMMARY

Date of Election:_____

Number of Localities: _____

Office: _____

District:_____

| COUNTY OR CITY NAME | CANDIDATE NAME | CANDIDATE NAME |
|---|---|---|
| Cities: | | |
| | | |
| | | |
| | | |
| | | |
| TOTAL CITIES | | |
| TOTAL COUNTIES (from Page 1) | | |
| DISTRICT TOTAL | | |

SIGNATURES OF JUDGES:

_____

_____

_____

Revise number of rows/pages as needed for each recount.

COMMONWEALTH OF VIRGINIA

STATEMENT OF RECOUNT OFFICIAL
**CHALLENGED BALLOT**

Precinct: _____

Reason: _____

_____

_____

_____

Signature: _____

Printed Name: _____

SBE-802-CB Challenged Ballot 12/12

COMMONWEALTH OF VIRGINIA

STATEMENT OF RECOUNT OFFICIAL
**CHALLENGED BALLOT**

Precinct: _____

Reason: _____

_____

_____

_____

Signature: _____

Printed Name: _____

SBE-802-CB Challenged Ballot 12/12

COMMONWEALTH OF VIRGINIA

STATEMENT OF RECOUNT OFFICIAL
**CHALLENGED BALLOT**

Precinct: _____

Reason: _____

_____

_____

_____

Signature: _____

Printed Name: _____

SBE-802-CB Challenged Ballot 12/12

COMMONWEALTH OF VIRGINIA

STATEMENT OF RECOUNT OFFICIAL
**CHALLENGED BALLOT**

Precinct: _____

Reason: _____

_____

_____

_____

Signature: _____

Printed Name: _____

SBE-802-CB Challenged Ballot 12/12

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

# Precinct Manual Tally Sheet

Start a new tally sheet for each precinct; use additional sheets if necessary. Use separate sheets for paper ballots and for manually counted optical scan. Make a hash mark for each vote cast for the candidate in the grid, like this: /. Mark the 5th vote like this: ///. Use one box for each set of five marks. Combine all tallies in appropriate rows/boxes in **Part C** of *Recount Precinct Results.*

**Election Date: _____ Office: _____ Precinct #/Name:_____**

**Type of Ballots (check only one): ☐ Paper ☐ Manually Counted Optical Scan**

| CANDIDATE NAME | 5 | 10 | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | 50 |
| | | | | | | | | | | | 100 |
| | | | | | | | | | | | 150 |
| | | | | | | | | | | | 200 |
| | | | | | | | | | | | 250 |
| | | | | | | | | | | | 300 |
| | | | | | | | | | | | 350 |
| Total votes on this sheet for this candidate: | | | | | | | | | | | 400 |
| | | | | | | | | | | | 450 |
| | | | | | | | | | | | 500 |

| Candidate Name | 5 | 10 | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | 50 |
| | | | | | | | | | | | 100 |
| | | | | | | | | | | | 150 |
| | | | | | | | | | | | 200 |
| | | | | | | | | | | | 250 |
| | | | | | | | | | | | 300 |
| | | | | | | | | | | | 350 |
| Total votes on this sheet for this candidate: | | | | | | | | | | | 400 |
| | | | | | | | | | | | 450 |
| | | | | | | | | | | | 500 |

| Other | 5 | 10 | 15 | 20 | 25 | **Total** |
|---|---|---|---|---|---|---|
| Manually Counted Ballots **Voided by Voter** (includes Overvoted) | | | | | | |
| Manually Counted Ballots **Undervoted or Voted for Other Candidates** | | | | | | |
| **Challenged Ballots** (complete/sign challenge form, attach ballot & enclose in CB envelope) | | | | | | |

# RECOUNT REIMBURSEMENT
# RECOUNT OFFICIALS AND ALTERNATES

**To be Completed by Official or Alternate:**

Residence to Courthouse and Return,
Miles Traveled: _____ miles x $ .565* = $_____

Please check one: ___Official ___Alternate ___Alternate who serves as Official

**To be Completed by Official or Alternate <u>who serves</u>:**

Any Additional Mileage Incurred
in Recount: _____ miles x $ ___* = $_____

**To be Completed by Electoral Board:**

Per Diem for Official or Alternate who serves: $_____

**Total Expenses for Official or Alternate** $_____

_____
OFFICER'S/ALTERNATE'S SIGNATURE

_____
PRINTED NAME

_____
MAILING ADDRESS

_____ VA _____-_____
CITY/TOWN ZIP CODE

*Mileage rate must be updated to rate in effect at time of recount.

§ 24.2-802, Code of Virginia: F. The court shall determine the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Commonwealth of Virginia

# CERTIFICATION OF RECOUNT

[TO BE COMPLETED BY THE COURT]

SUMMARY

Date of Election:_____

Number of Localities: _____

Office: _____

District:_____

| COUNTY OR CITY NAME | CANDIDATE NAME | CANDIDATE NAME |
|---|---|---|
| Counties: | | |
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| TOTAL COUNTIES | | |
| **CONTINUE ON NEXT PAGE** | | |

Revise number of rows/pages as needed for each recount.

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Commonwealth of Virginia

# CERTIFICATION OF RECOUNT

[TO BE COMPLETED BY THE COURT]

SUMMARY

Date of Election:_____

Number of Localities: _____

Office: _____

District:_____

| COUNTY OR CITY NAME | CANDIDATE NAME | CANDIDATE NAME |
|---|---|---|
| Cities: | | |
| | | |
| | | |
| | | |
| | | |
| TOTAL CITIES | | |
| TOTAL COUNTIES (from Page 1) | | |
| DISTRICT TOTAL | | |

SIGNATURES OF JUDGES:

_____

_____

_____

Revise number of rows/pages as needed for each recount.

COMMONWEALTH OF VIRGINIA

STATEMENT OF RECOUNT OFFICIAL
**CHALLENGED BALLOT**

Precinct: _____

Reason: _____

_____

_____

_____

Signature: _____

Printed Name: _____

SBE-802-CB Challenged Ballot 12/12

COMMONWEALTH OF VIRGINIA

STATEMENT OF RECOUNT OFFICIAL
**CHALLENGED BALLOT**

Precinct: _____

Reason: _____

_____

_____

_____

Signature: _____

Printed Name: _____

SBE-802-CB Challenged Ballot 12/12

COMMONWEALTH OF VIRGINIA

STATEMENT OF RECOUNT OFFICIAL
**CHALLENGED BALLOT**

Precinct: _____

Reason: _____

_____

_____

_____

Signature: _____

Printed Name: _____

SBE-802-CB Challenged Ballot 12/12

COMMONWEALTH OF VIRGINIA

STATEMENT OF RECOUNT OFFICIAL
**CHALLENGED BALLOT**

Precinct: _____

Reason: _____

_____

_____

_____

Signature: _____

Printed Name: _____

SBE-802-CB Challenged Ballot 12/12

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

# Precinct Manual Tally Sheet

Start a new tally sheet for each precinct; use additional sheets if necessary. Use separate sheets for paper ballots and for manually counted optical scan. Make a hash mark for each vote cast for the candidate in the grid, like this: /. Mark the 5th vote like this: ///. Use one box for each set of five marks. Combine all tallies in appropriate rows/boxes in **Part C** of *Recount Precinct Results.*

**Election Date: _____ Office: _____ Precinct #/Name:_____**

**Type of Ballots (check only one): ☐ Paper ☐ Manually Counted Optical Scan**

| CANDIDATE NAME | 5 | 10 | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | 50 |
| | | | | | | | | | | | 100 |
| | | | | | | | | | | | 150 |
| | | | | | | | | | | | 200 |
| | | | | | | | | | | | 250 |
| | | | | | | | | | | | 300 |
| | | | | | | | | | | | 350 |
| Total votes on this sheet for this candidate: | | | | | | | | | | | 400 |
| | | | | | | | | | | | 450 |
| | | | | | | | | | | | 500 |

| Candidate Name | 5 | 10 | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | 50 |
| | | | | | | | | | | | 100 |
| | | | | | | | | | | | 150 |
| | | | | | | | | | | | 200 |
| | | | | | | | | | | | 250 |
| | | | | | | | | | | | 300 |
| | | | | | | | | | | | 350 |
| Total votes on this sheet for this candidate: | | | | | | | | | | | 400 |
| | | | | | | | | | | | 450 |
| | | | | | | | | | | | 500 |

| Other | 5 | 10 | 15 | 20 | 25 | **Total** |
|---|---|---|---|---|---|---|
| Manually Counted Ballots **Voided by Voter** (includes Overvoted) | | | | | | |
| Manually Counted Ballots **Undervoted or Voted for Other Candidates** | | | | | | |
| **Challenged Ballots** (complete/sign challenge form, attach ballot & enclose in CB envelope) | | | | | | |

# RECOUNT REIMBURSEMENT
# RECOUNT OFFICIALS AND ALTERNATES

**To be Completed by Official or Alternate:**

Residence to Courthouse and Return,
Miles Traveled: _____ miles x $ .565* = $_____

Please check one: ___Official ___Alternate ___Alternate who serves as Official

**To be Completed by Official or Alternate <u>who serves</u>:**

Any Additional Mileage Incurred
in Recount: _____ miles x $ ___* = $_____

**To be Completed by Electoral Board:**

Per Diem for Official or Alternate who serves: $_____

**Total Expenses for Official or Alternate** $_____

_____
OFFICER'S/ALTERNATE'S SIGNATURE

_____
PRINTED NAME

_____
MAILING ADDRESS

_____ VA _____-_____
CITY/TOWN ZIP CODE

*Mileage rate must be updated to rate in effect at time of recount.

§ 24.2-802, Code of Virginia: F. The court shall determine the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

# Hand Count Standards

BOARD WORKING PAPERS
Edgardo Cortés
ELECT Commissioner

# Memorandum

**To:** Members of the State Board of Elections

**From:** Elizabeth L. Howard

**Date:** September 1, 2015

**Subject:** Request for Approval of Hand Counting Standards

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Suggested action for a Board member to make:

Review the submitted hand counting standards for consideration of passage at the next scheduled meeting.

**Background**

As many localities in the Commonwealth replace Direct Recording Electronic ("DRE") voting machines, also referred to as "touchscreens,"with optical scan ballots and modern voting equipment, more ballots are likely to be subject to hand counting during a recount. As required by Va. Code 24.2-802, the Board promulgates standards in the form of a document titled *Ballot Examples, Hand Counting Printed Ballots for Virginia Elections or Recounts* ("Hand Count Standards document") to ensure the "accurate determination of the votes." This document contains pictograms of ballots with various marks and notations made by voters and instructions as to how each different ballot should be counted.

Upon review, the Department concluded that it was necessary to add a ballot pictogram which is not addressed in the current Hand Count Standards document. This pictogram which appears on Page 6 of the revised document before you today depicts a ballot on which a voter made a mark beside the name of a candidate and wrote-in the name of the same candidate with instructions that this ballot is to be counted. Va. Code § 24.2-644(A) instructs that any ballot on which the voter made a "mark[] immediately preceding the name of the candidate for whom he wishes to vote" shall be counted if the "intent of the voter is clear." The intent of the voter casting this ballot is clear. Therefore, the Department recommends that this ballot be included in the Hand Count Standards document with instructions that the ballot should be counted.

While two separate ballot pictograms were revised, the revisions were non-substantive and only made to provide clearer ballot pictogram images. No ballot pictograms were deleted.

**<u>Board Materials</u>**

Handcounting Ballots Examples FINAL
Handcounting Ballots Examples CURRENT

# Ballot Examples for Handcounting Paper or Paper-based Ballots for Virginia Elections or Recounts

**State Board of Elections**
**Commonwealth of Virginia**

This document is based on and considered part of the "Standards for Recounts of Virginia Elections, " originally promulgated August 20, 2001 (effective for elections held after that date), revised 5/14/02 (effective 7/1/02), revised 11/28/05 (effective immediately), and revised 6/26/07 (effective 7/1/07).[1] These Standards must be used whenever paper or paper-based ballots are recounted manually. In addition, the revised version of the Standards states:

> **The State Board of Elections also directs that in the interest of uniformity whenever paper or paper-based ballots must be counted manually for whatever reason (outside of a recount), the local election officials shall use the accompanying "Ballot Examples for Handcounting Paper or Paper-based Ballots for Virginia Elections or Recounts" as guidance for such handcounts.**

The numbers below correspond to and quote directly from item 5(c) in the "Standards for Recounts of Virginia Elections."

**5(c) For any other ballot ballot which is to be counted manually, and can be counted manually the following guidelines shall be used in determining the voter's intent.**

(1) As used below, the "target area" of the official ballot is the square next to the candidate's name on the paper ballot, the oval next to the candidate's name on the Accu-Vote ballot, or the incomplete arrow next to the candidate's name on the Optech ballot. The "candidate area" is the area between the lines separating candidate names, if the ballot includes such lines, or the area that is clearly closer to one candidate's name than another. The "candidate area" includes the candidate's name and party affiliation if listed, or "I" for any independent using that designation. These instructions only deal with marks that are under the office being recounted, except as provided in items 10 and 11.

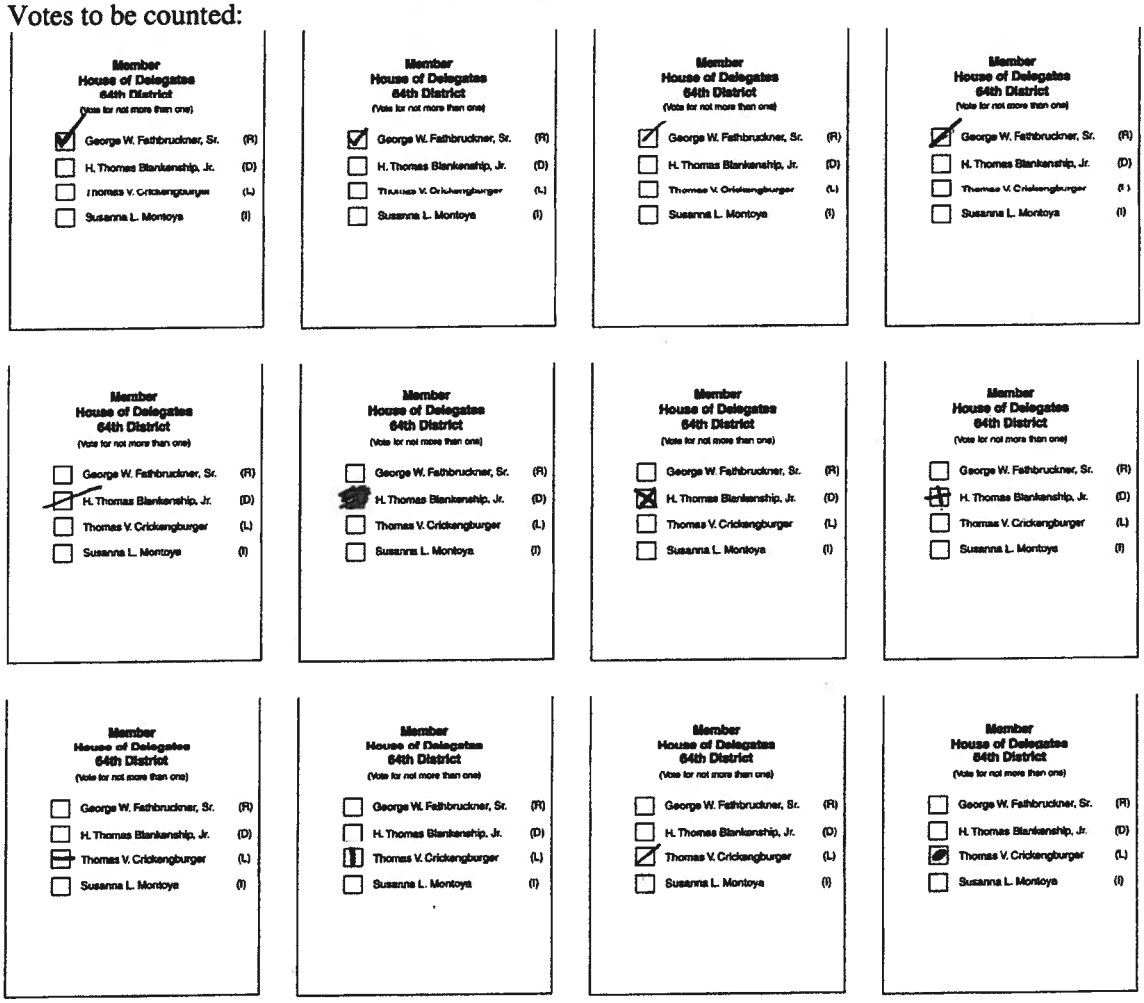
(2) These instructions assume that the recount is for a single-seat office. That is, the voter was only permitted to vote for one candidate for the office. For multi-seat offices, the ballot shall be counted pursuant to the guidelines below so long as the voter has not voted for more candidates for that office than he is allowed to vote (in which case no votes are to be counted for the office).



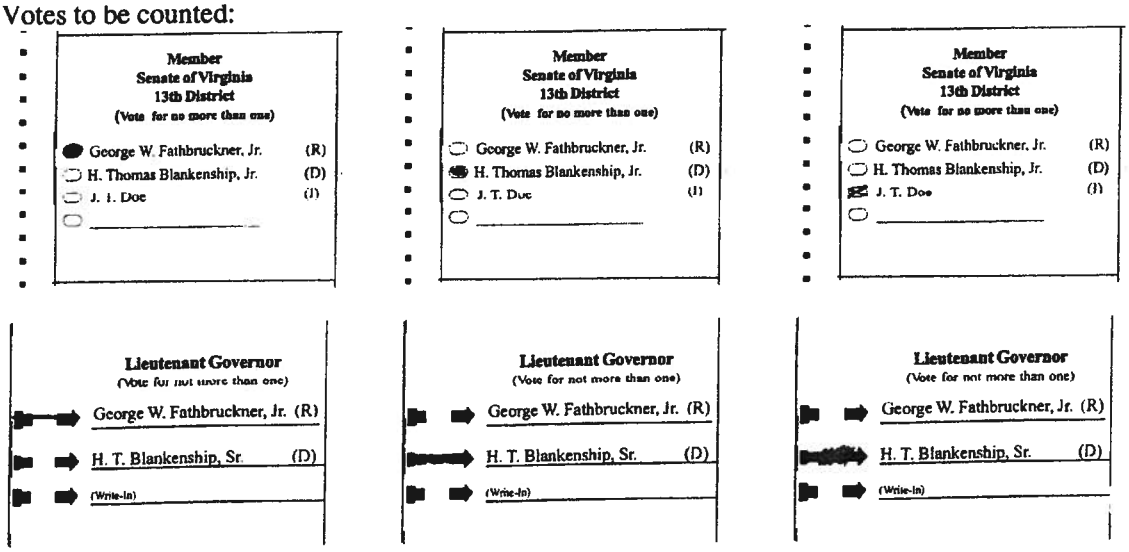
[1] Page 1a revised effective July 1, 2007 to reflect elimination of references to punchcard ballots.

(3) Any ballot which is <u>properly marked</u> (as specified for the type of ballot) in the target area for one candidate only for the office, shall be designated as a <u>vote for that candidate</u>.

Votes to be counted:

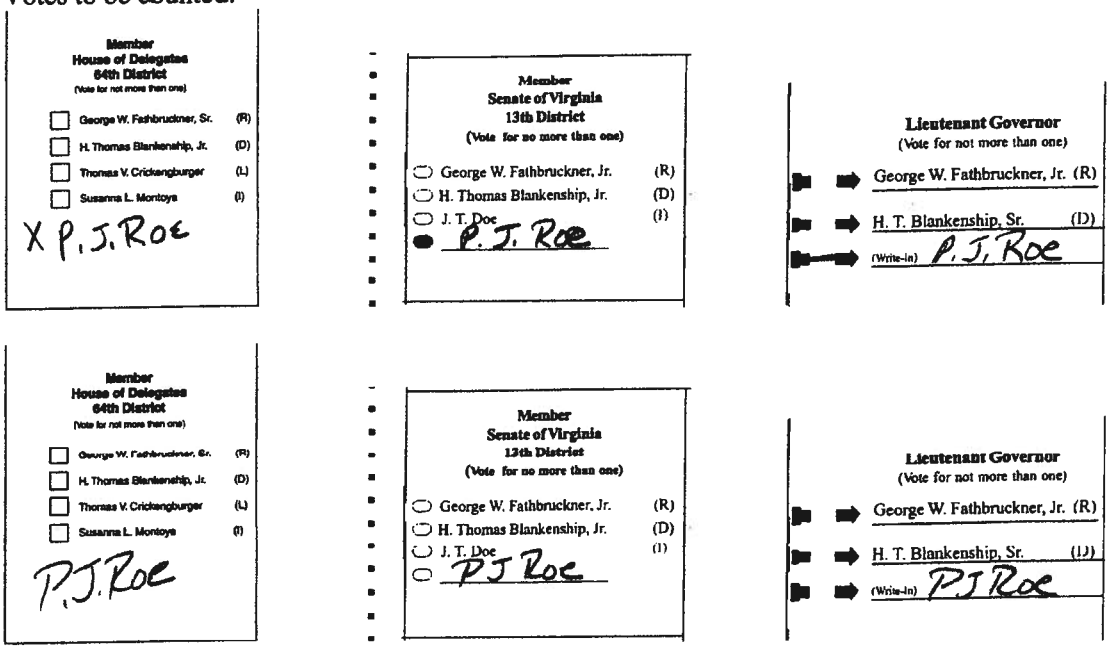


Votes to be counted:

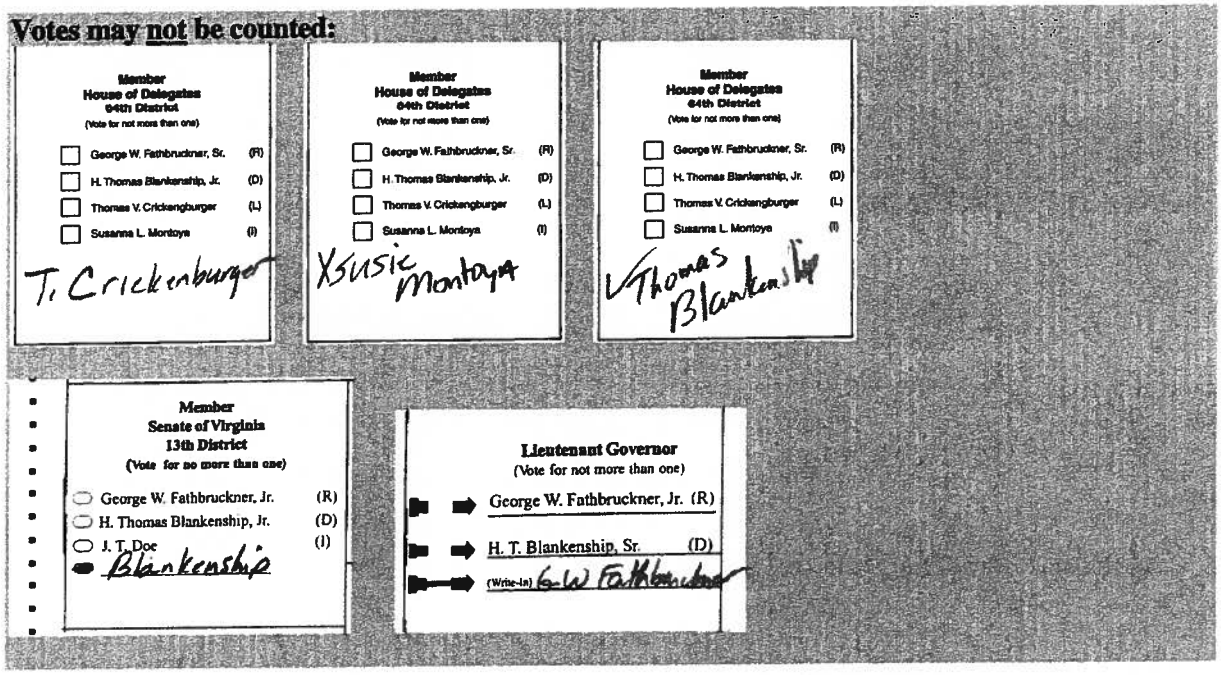



(4) If a write-in candidate is a party to the recount, a vote shall be counted for the write-in candidate if his name is written on the ballot under that office, even if the write-in square, oval or arrow is not marked, and provided that no other candidate is marked for that office.

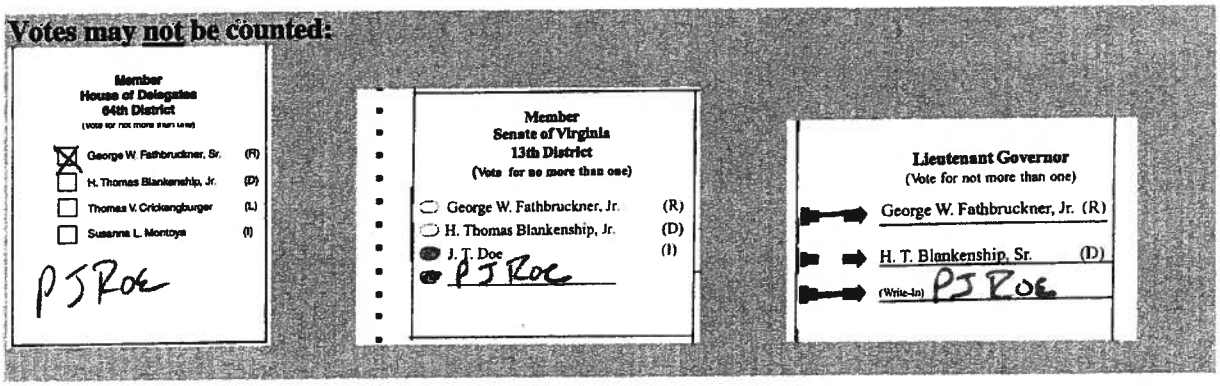
Votes to be counted:



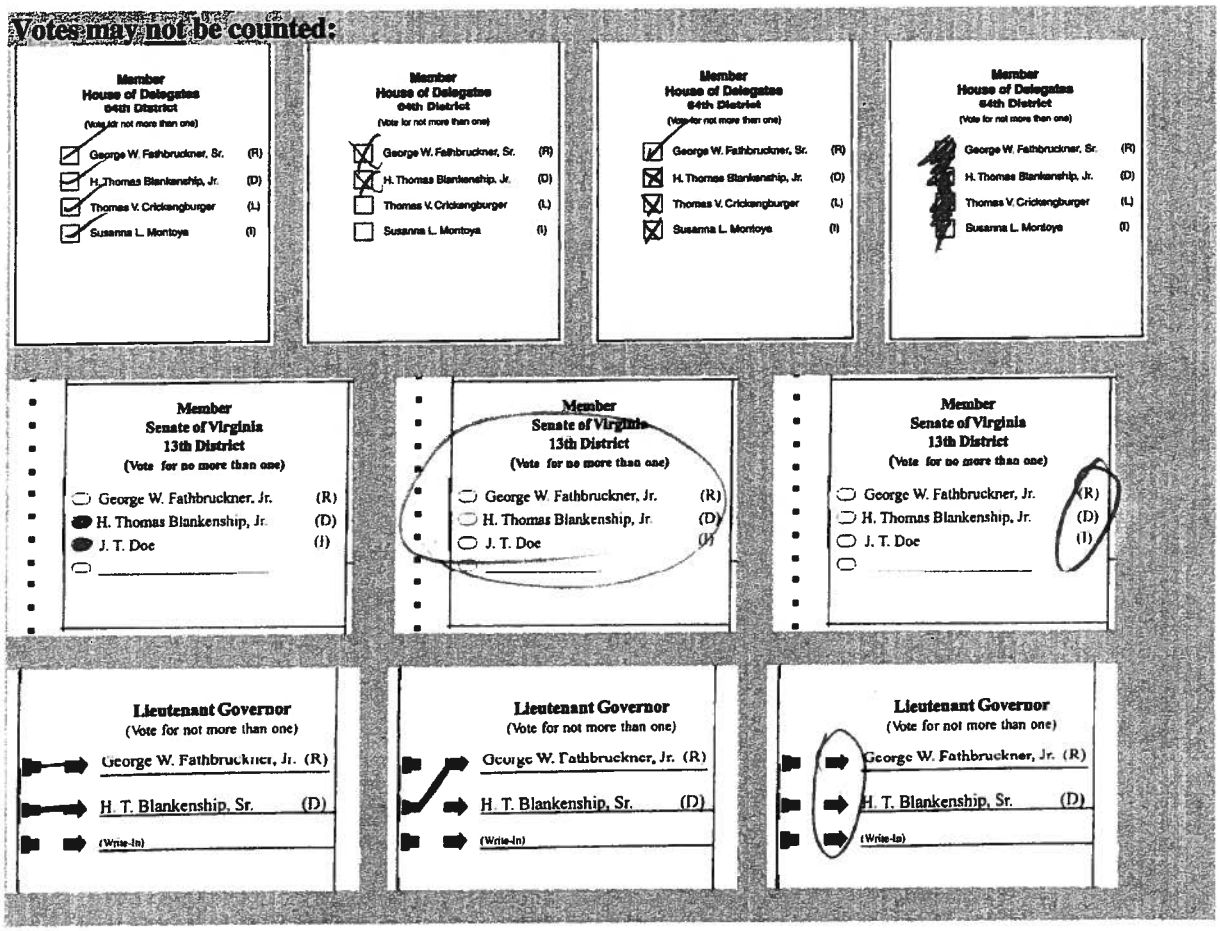
(4 continued) A write-in vote for a candidate whose name appears on the ballot for the same office <u>may not be counted</u>.




(4 continued) A write-in vote in addition to a vote for another candidate for the office is an overvote and <u>no vote shall be counted</u>.

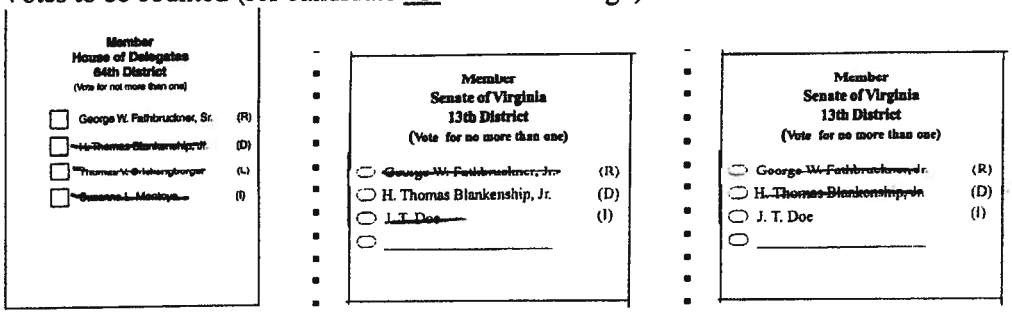


(5) Any ballot which is marked for more than one candidate for the office shall be deemed an overvote and no vote shall be counted except as provided in this section.



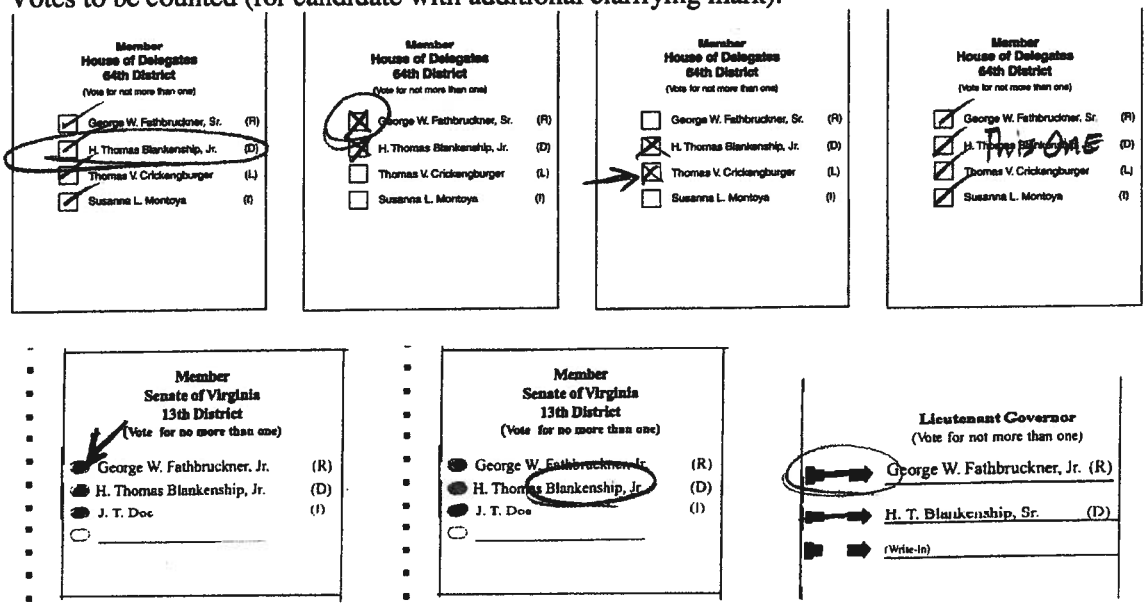

(5 continued) However, if more than two candidates had their names printed on the ballot for the office, and the names of all but one candidate are stricken through, that ballot shall be counted for the one candidate whose name was not stricken through.

Votes to be counted (for candidate not stricken through):



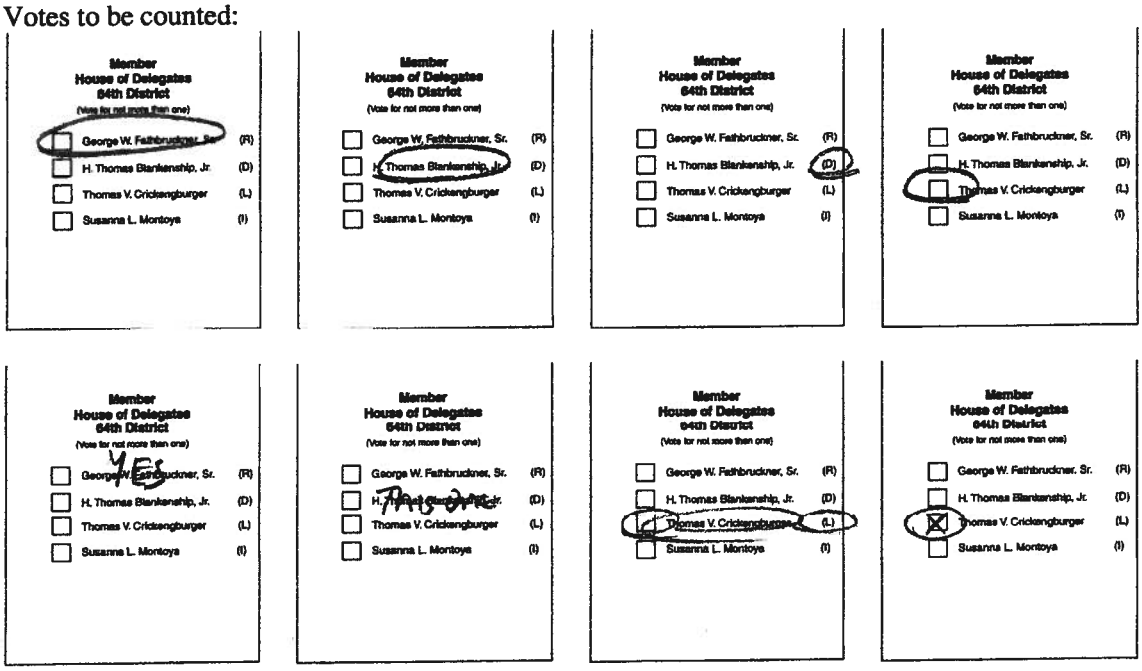
(5 continued) If there are identical marks for two or more candidates, clarified by an additional mark or marks that appear to indicate support, the ballot shall be counted as a vote for the candidate with the additional, clarifying marks.

Votes to be counted (for candidate with additional clarifying mark):

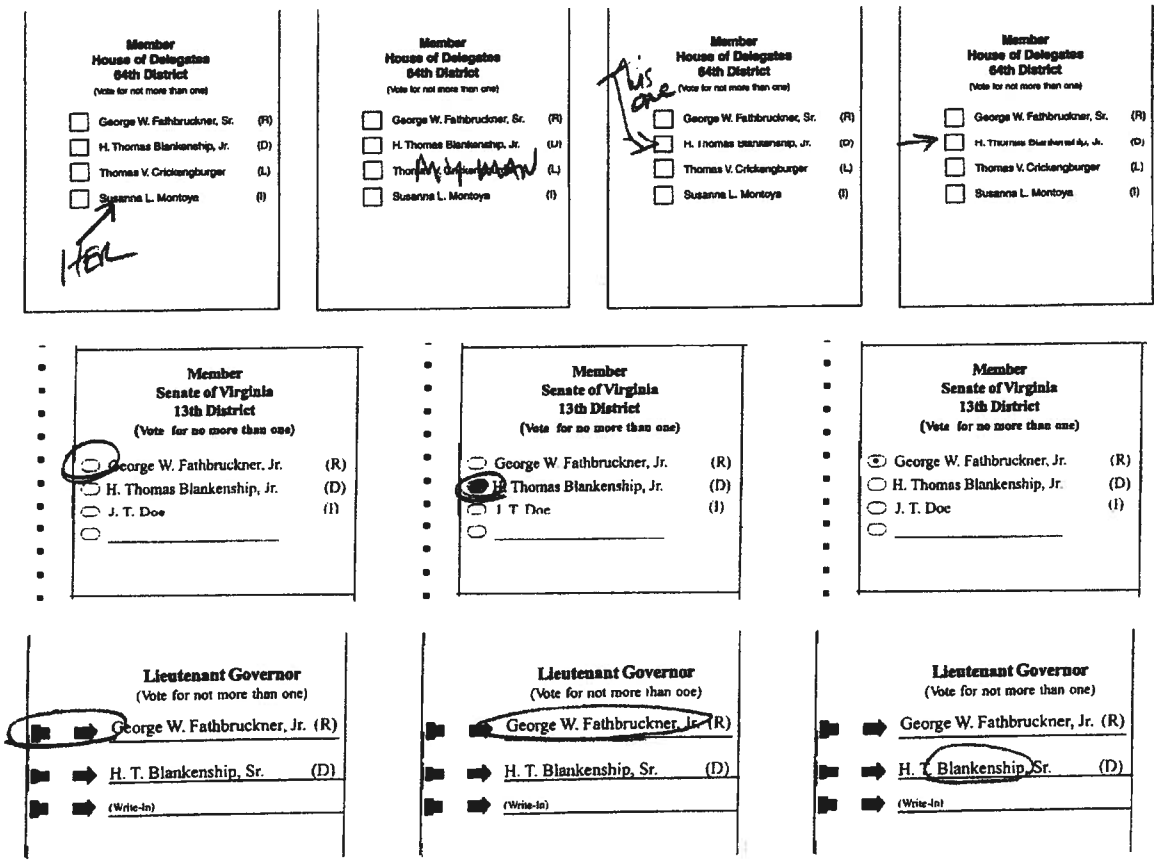



(6) Any ballot which has any other mark or marks in the target area or candidate area for one candidate only, including circling the target area and/or the candidate's name or making a mark through the target area or candidate's name, provided no other candidate for that office is similarly marked, shall be counted as a vote for that candidate

Votes to be counted:

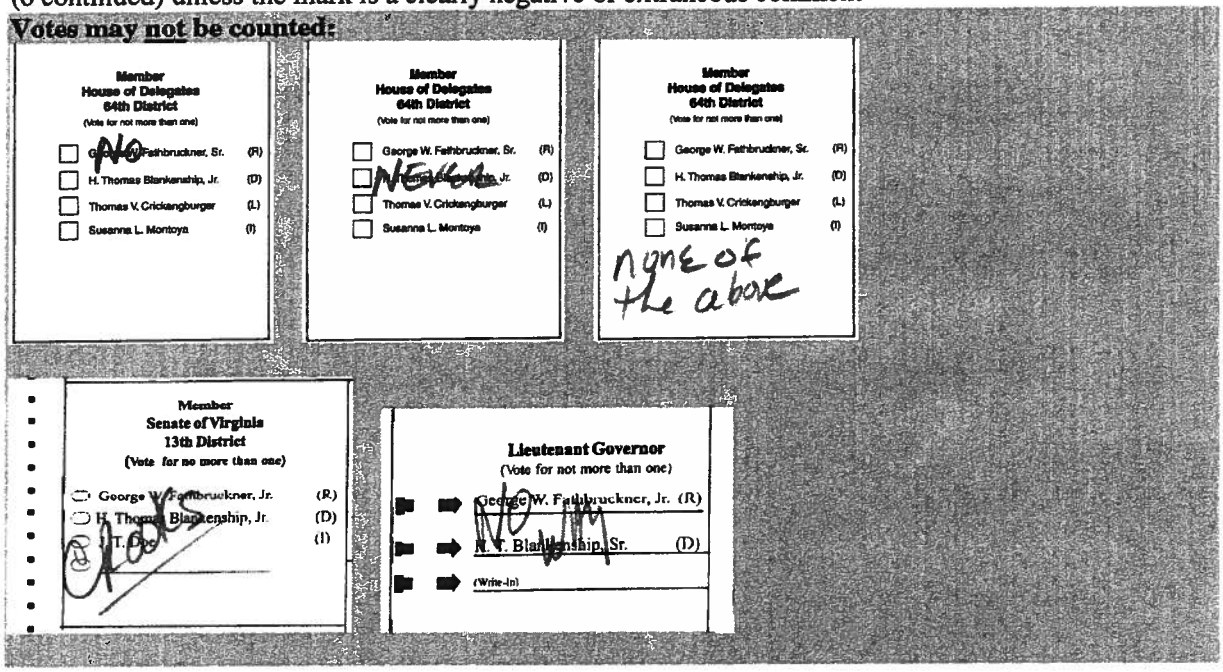


Votes to be counted:



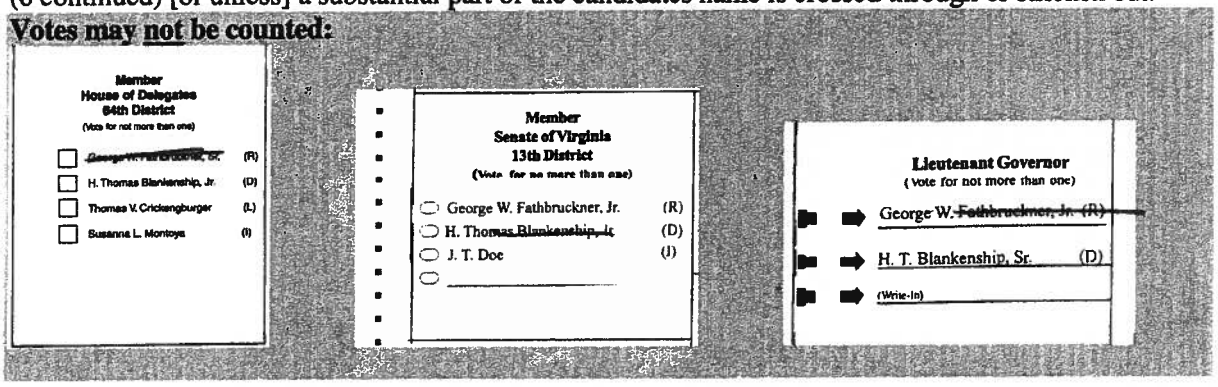

(6 continued) unless the mark is a clearly negative or extraneous comment

**Votes may not be counted:**



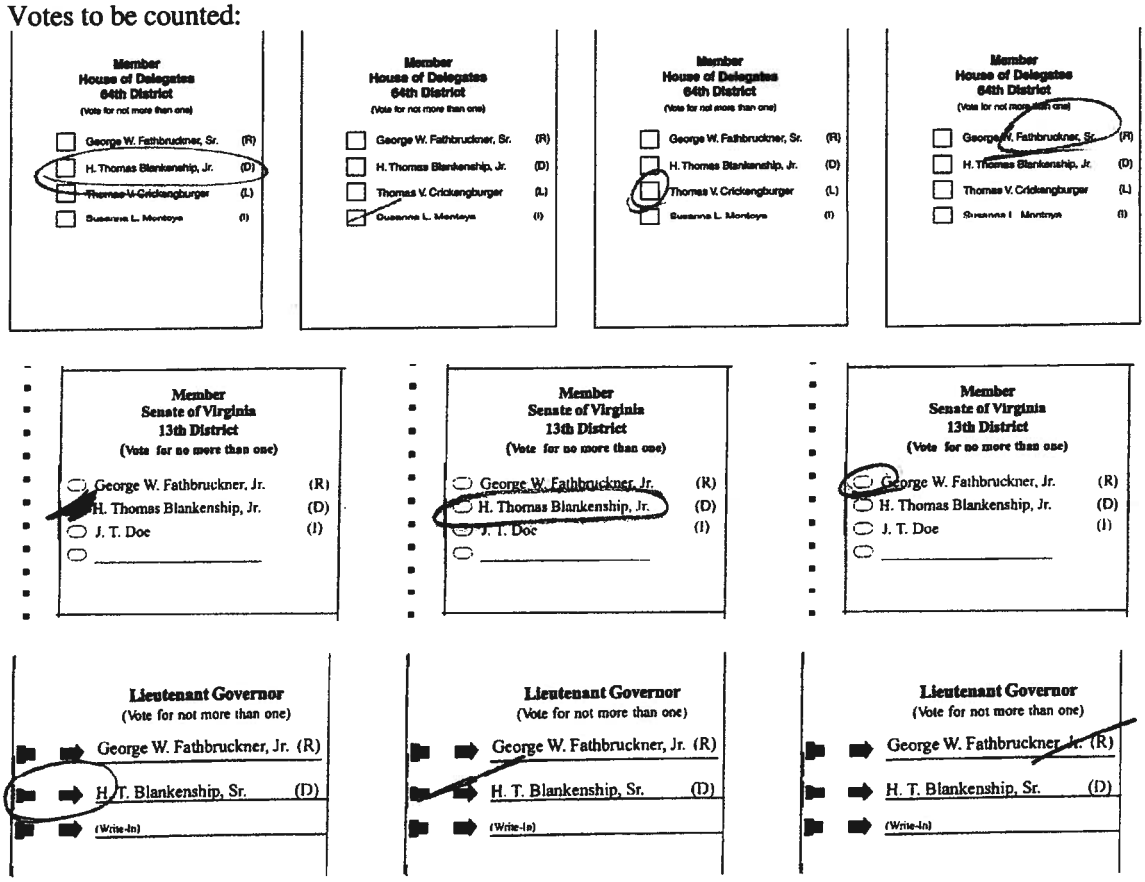
(6 continued) [or unless] a substantial part of the candidates name is crossed through or stricken out.

**Votes may not be counted:**



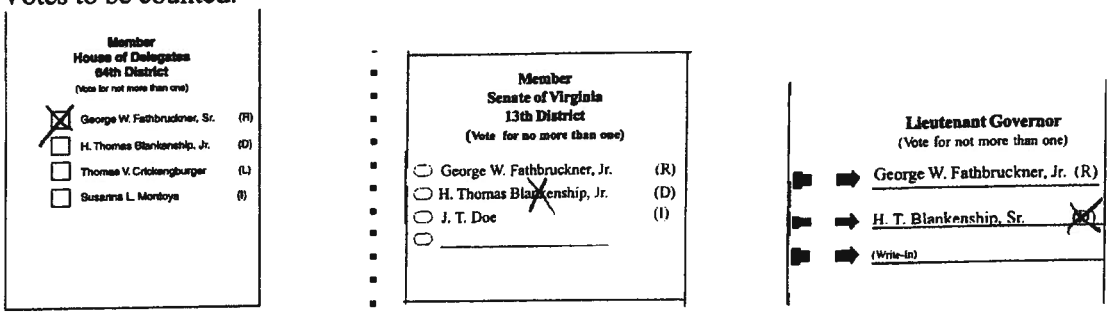

(7) Any ballot which has a mark or marks in the target area or candidate area for one candidate, which extend partially into one or more other target areas or candidate areas, shall be counted as a vote for the candidate so marked only if it is readily apparent that at least 3/4ths of the mark is in that candidate's area or target area, and no other candidate is similarly marked.

Votes to be counted:

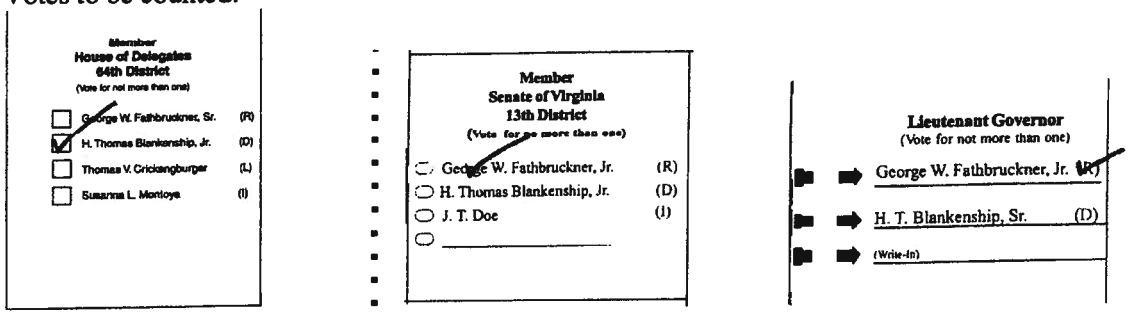


(7 continued) Other such marks, extending across more than one candidate areas, may be counted if the lines of the "x" or the bottom point of the check mark (√) clearly lie inside the box or on top of the name or party affiliation or candidate area of one candidate, and no other candidate is similarly marked.

Votes to be counted:

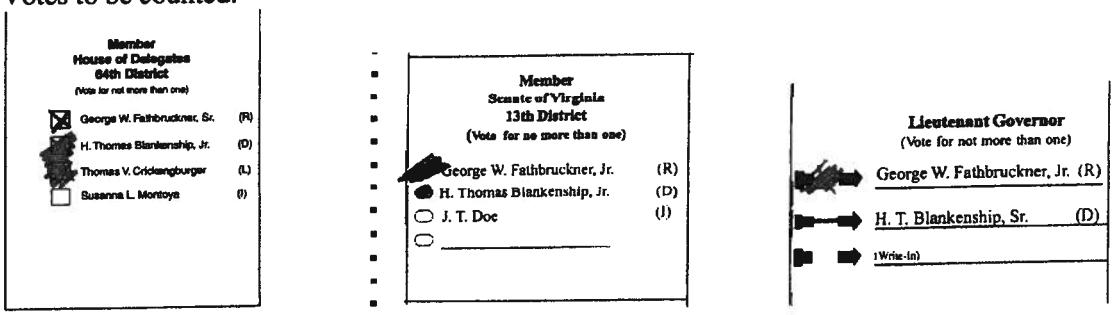


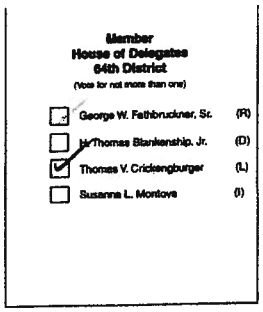

Votes to be counted:

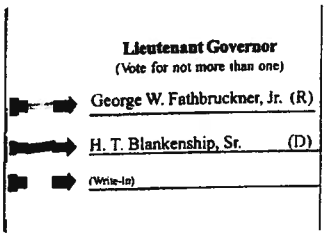



(8) Any ballot which has any mark, as above, in the target area or candidate area for one candidate, and on which other marks in the target areas or candidate areas for any other candidates have been partially erased, scratched out, or otherwise obliterated, shall be counted as a vote for the candidate for which the mark was not erased, scratched out or otherwise obliterated, provided no other candidate is similarly marked.

Votes to be counted:

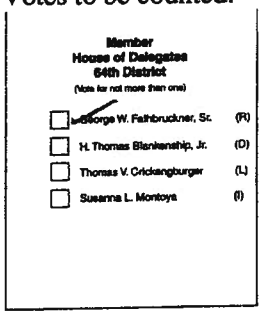


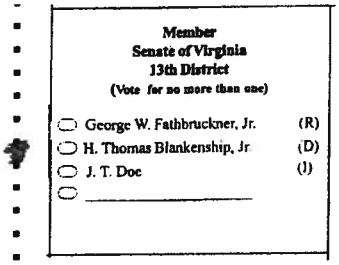


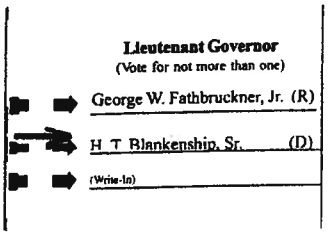




(9) Any ballot which has a mark that is clearly next to (either before or after) a candidate's name, or across the name, shall be recognized as a mark under items 1-6 above. Similarly, a mark between or over the "timing marks" of the ballot, that are clearly opposite or next to one candidate's name and not near another candidate's name, shall be recognized as a mark. (The "timing marks" are the small lines or boxes running down the right and/or left sides of certain electronically read or scanned ballots, which line up the ballot in the reader.)

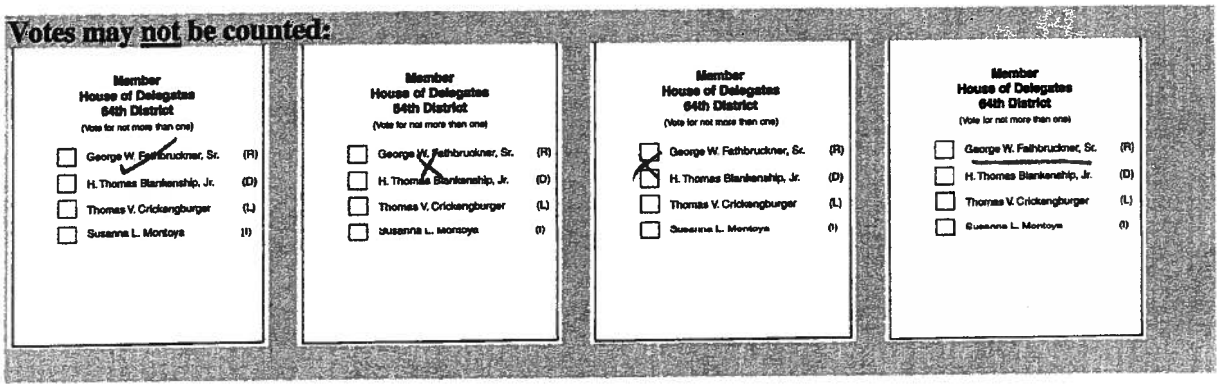
Votes to be counted:



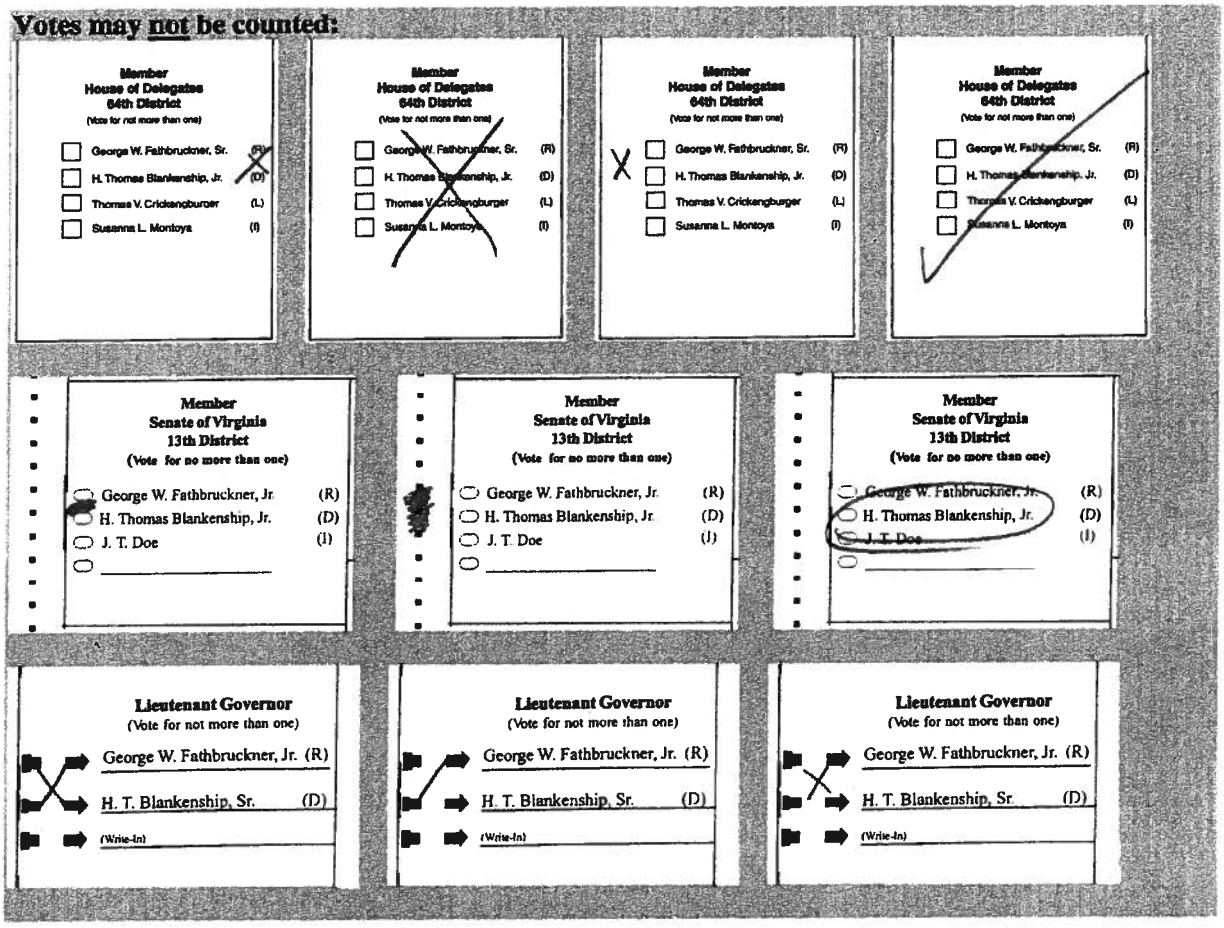




(9 continued) A mark that is between or across more than one candidates' names, candidate areas or target areas shall not be recognized as a mark except under items 5 and 6 above.

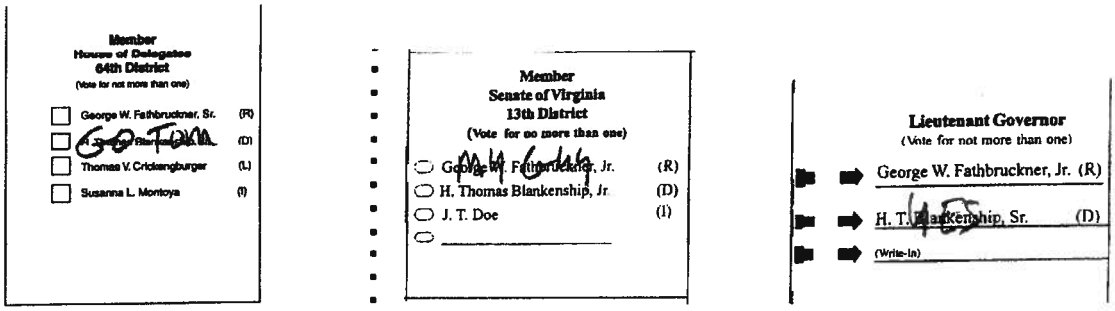


**Votes may not be counted:**

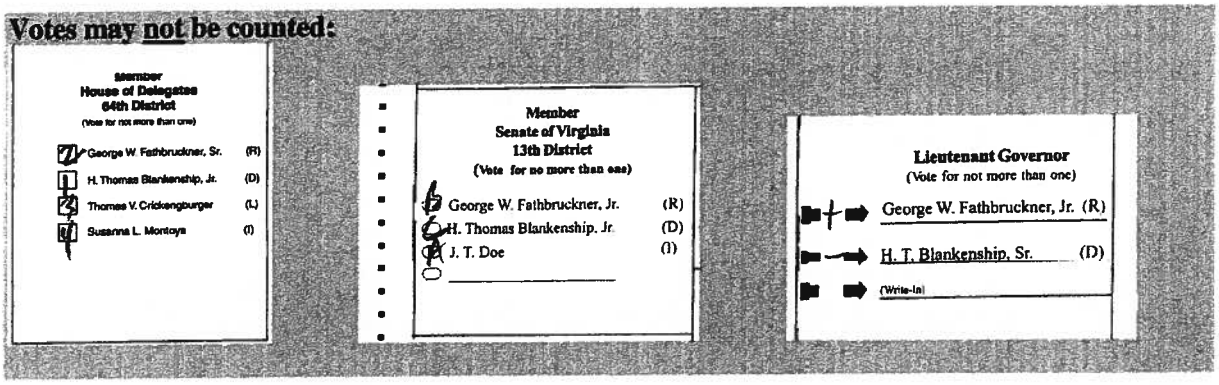



(10) Any other writing or remark on the ballot (other than a write-in unless a write-in candidate is a party to the recount) which clearly indicates the voter's support for one and only one candidate for the office that is the subject of the recount, and which cannot be interpreted as a remark in favor of any other candidate in that election, shall be counted as a vote for that candidate.

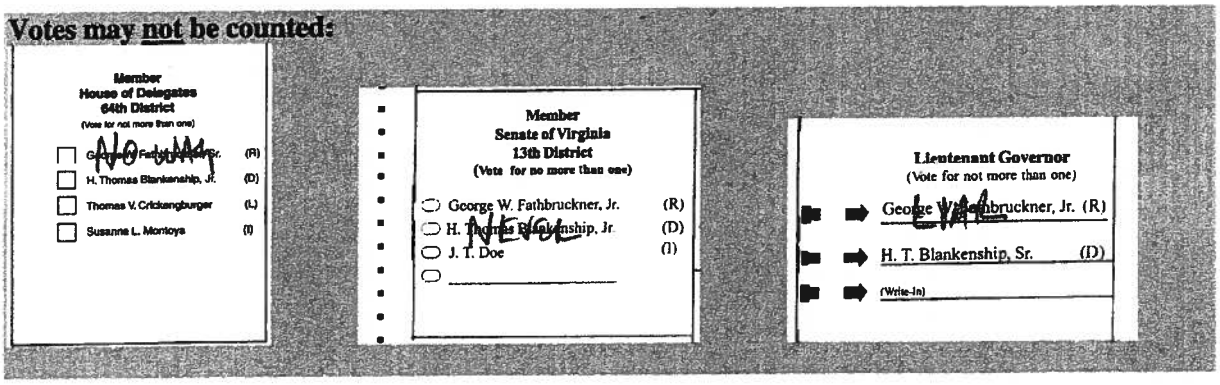
Votes to be counted:



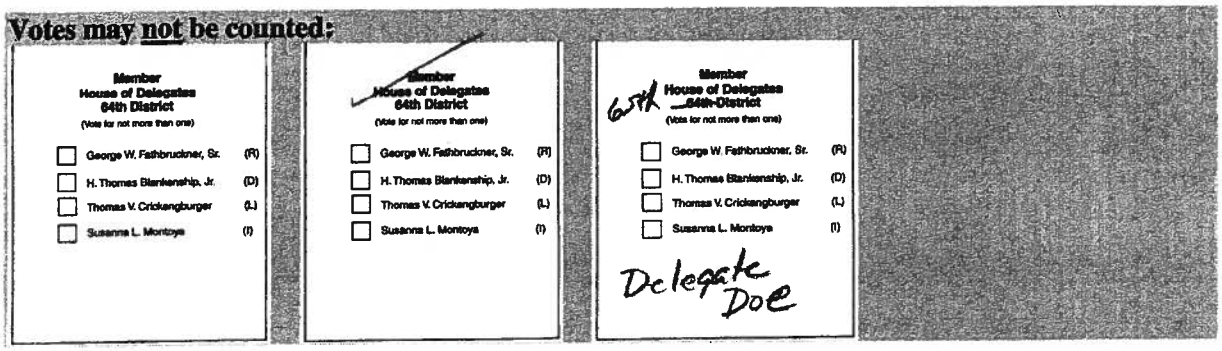
(10 continued) Writings or remarks which appear to be ranking the candidates (letters, numbers, +/-, etc.) shall not be considered valid marks unless only one candidate is marked and no other candidate is similarly marked.

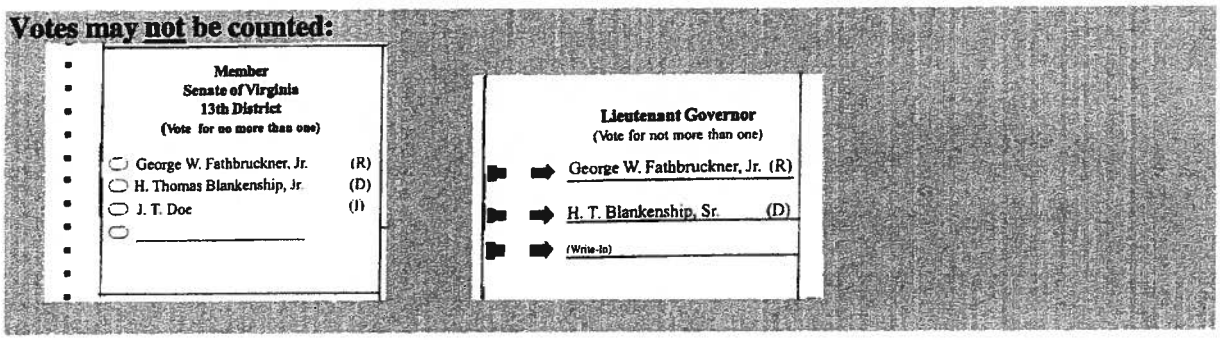



(11) Any other writing or remark on the ballot which indicates the voter's opposition to one or more candidates, provided the ballot is not so marked as to indicate which candidate the voter supports, shall not be counted as a vote for any candidate.




(12) Any ballot on which there is no mark under the office, or any other remark indicating support for a candidate for the office, shall not be counted as a vote for any candidate.






Virginia State Board of Elections
RLB: Recount Examples 10/31/01

Revised 5/14/02, Revisions effective 7/1/02

# Ballot Examples

## Hand Counting Printed Ballots for Virginia Elections or Recounts

**Department of Elections**
**Commonwealth of Virginia**

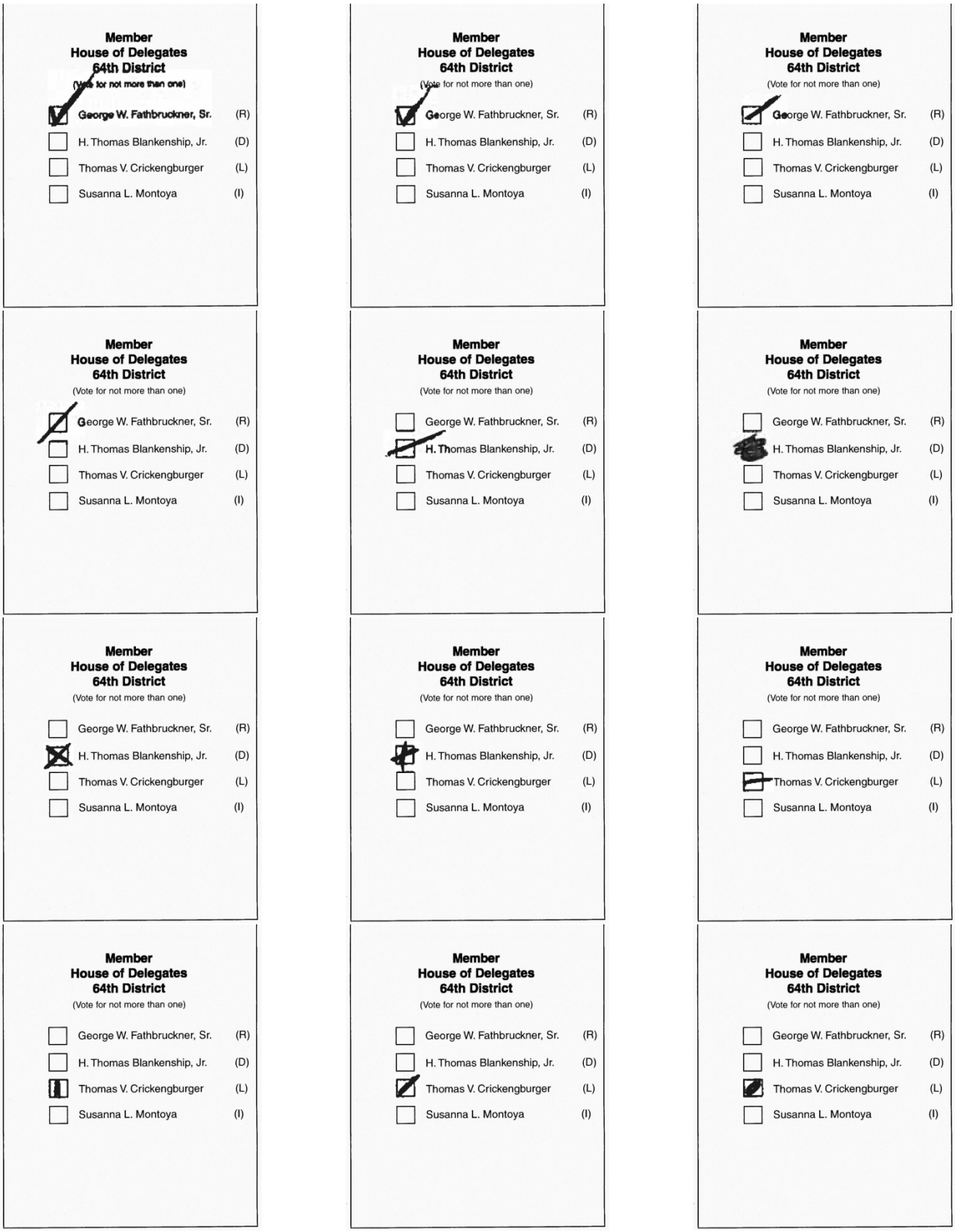
**<u>For any printed ballot that can and is to be counted manually, the following guidelines shall be used in determining the voter's intent.</u>**

(1) As used below, the "target area" of the official ballot is the square, oval, or incomplete arrow next to the candidate's name on the printed ballot. The "candidate area" is the area between the lines separating candidate names, if the ballot includes such lines, or the area that is clearly closer to one candidate's name than another. The "candidate area" includes the candidate's name and party affiliation if listed, or "I" for any independent using that designation. These instructions only deal with marks that are under the office being recounted, except as provided in items 10 and 11.

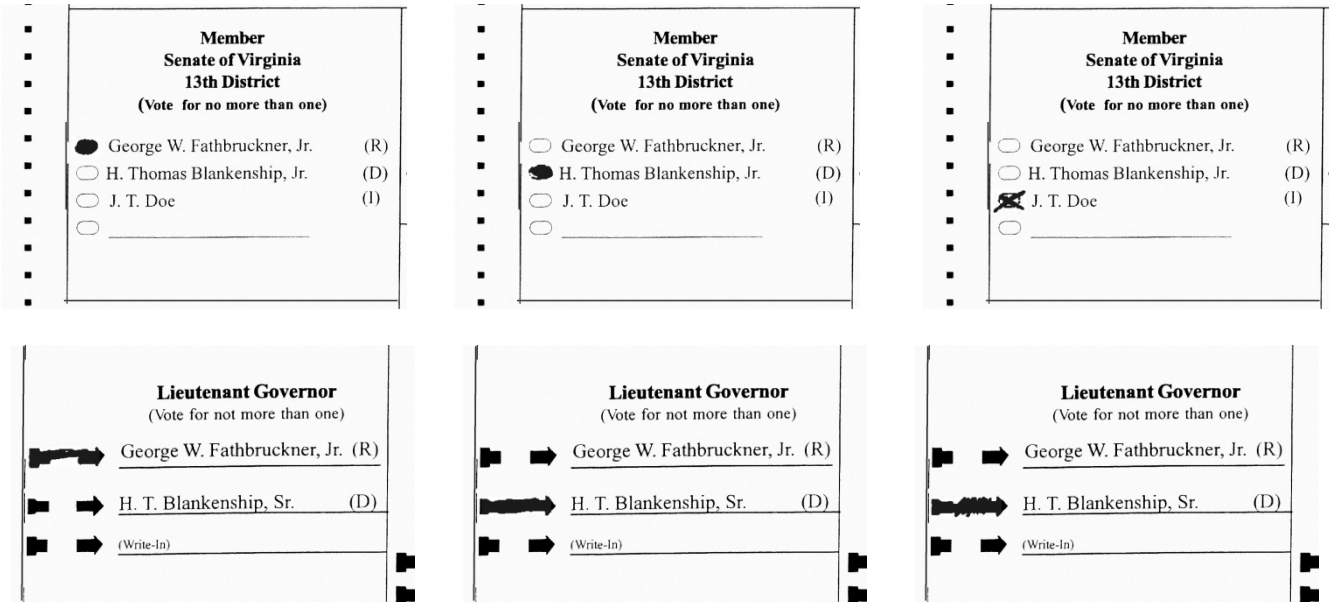
(2) These instructions assume that the recount is for a single-seat office. That is, the voter was only permitted to vote for one candidate for the office. For multi-seat offices, the ballot shall be counted pursuant to the guidelines below so long as the voter has not voted for more candidates for that office than he is allowed to vote (in which case no votes are to be counted for the office).
(3) Any ballot that is <u>properly marked</u> (as specified for the type of ballot) in the target area for one candidate only for the office shall be designated as a <u>vote for that candidate</u>.

# BALLOT EXAMPLES

Votes to be counted:

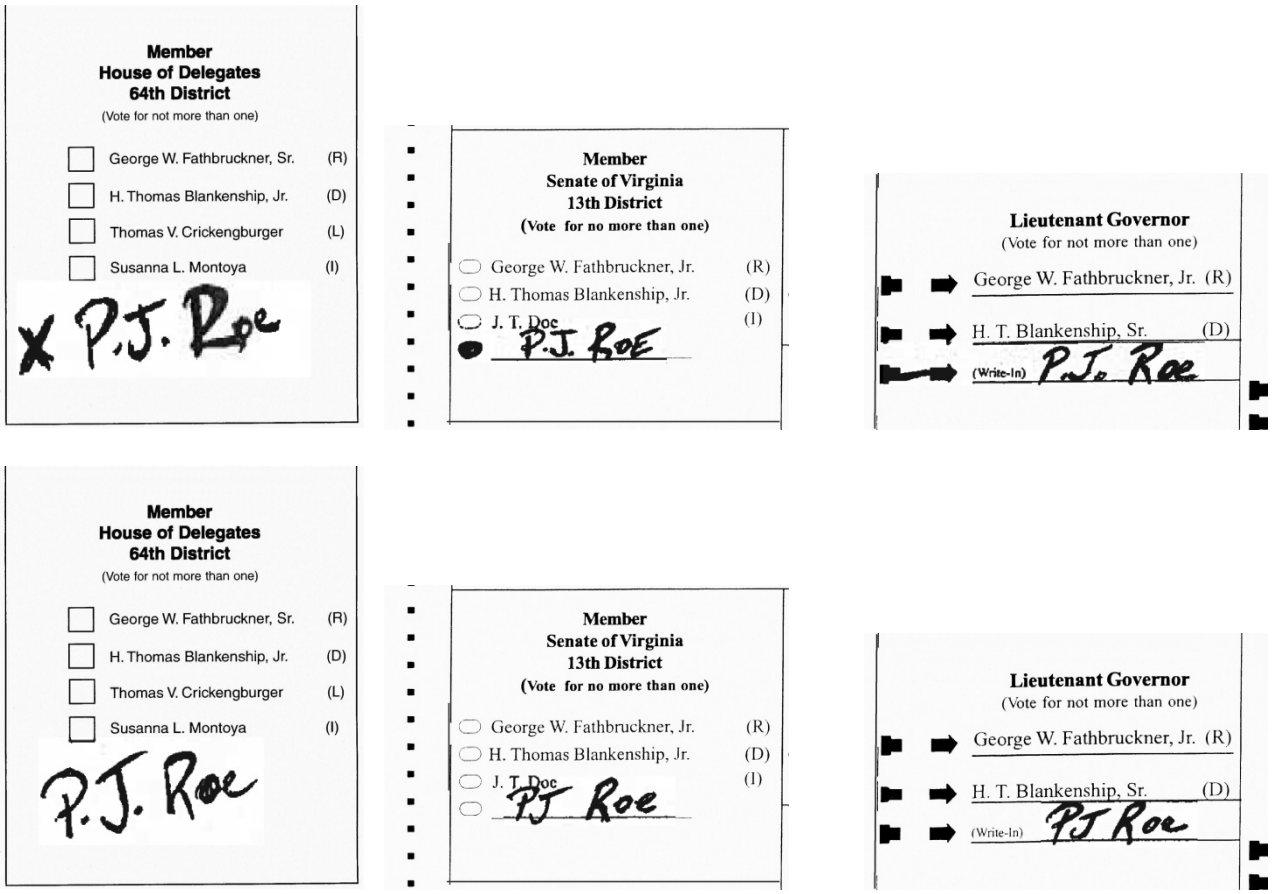



(3 continued) Votes to be counted:



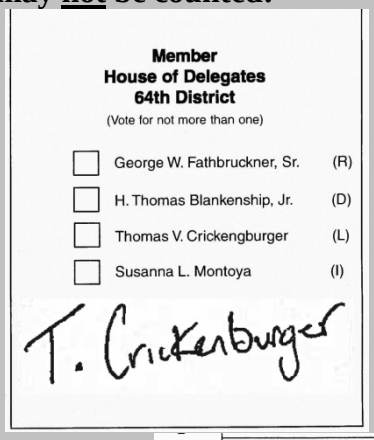

(4) If a write-in candidate is a party to the recount, a vote shall be counted for the write-in candidate if his name is written on the ballot under that office, even if the write-in square, oval or arrow is not marked, and provided that no other candidate is marked for that office.

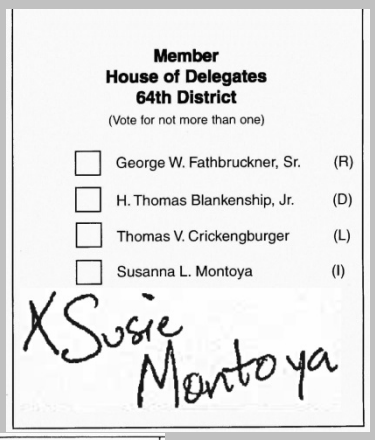
Votes to be counted:

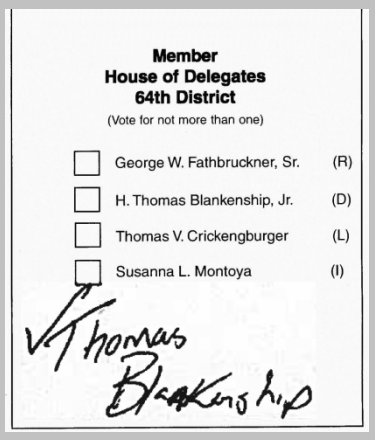


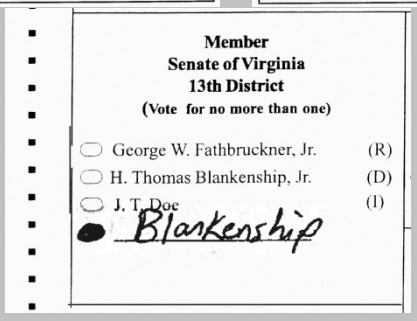
(4 continued) A write-in vote for a candidate whose name appears on the ballot for the same office may not be counted.

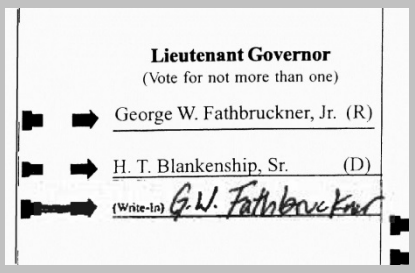
**Votes may not be counted:**



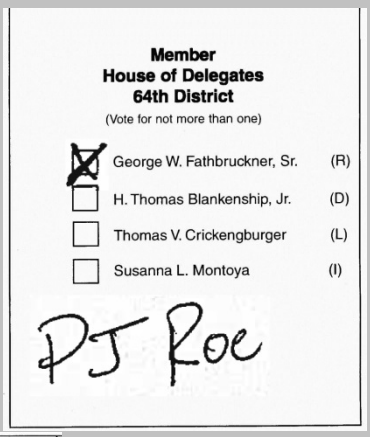



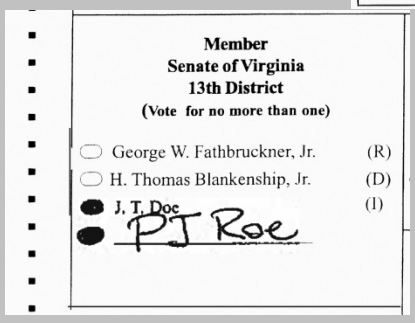



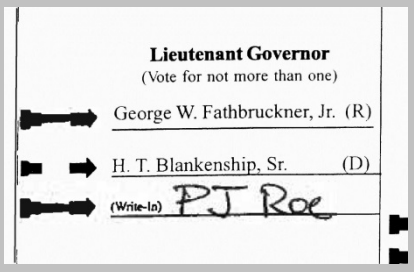




A write-in vote in addition to a vote for a candidate for the office is an overvote and no vote shall be counted.

**Votes may not be counted:**

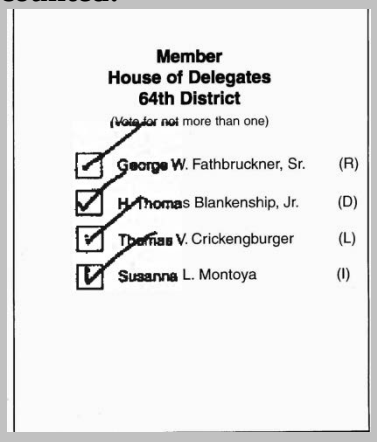


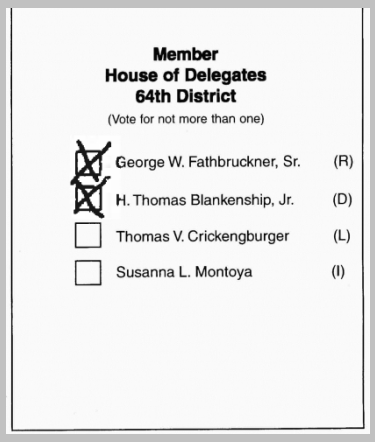



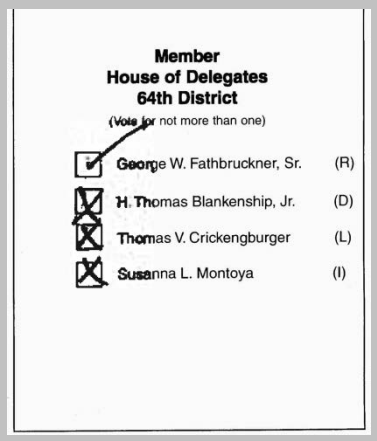



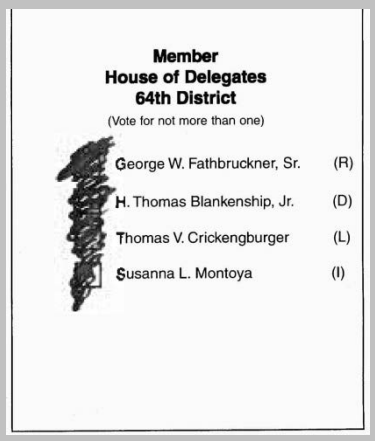
(5) Any ballot which is marked for more than one candidate for the office shall be deemed an overvote and no vote shall be counted except as provided in this section.

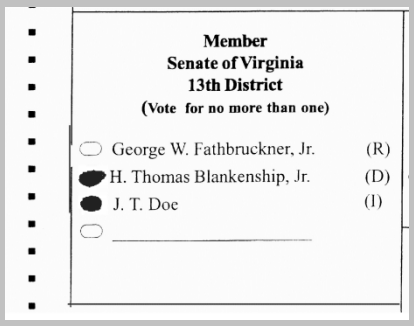
**Votes may <u>not</u> be counted:**

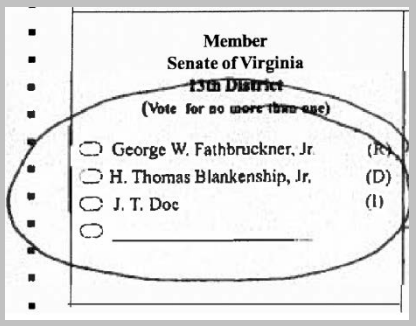


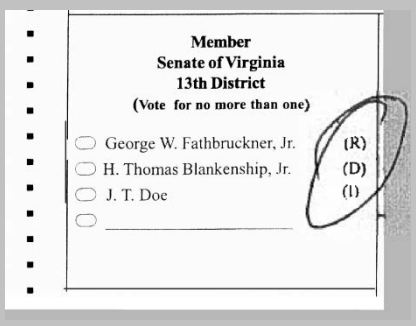



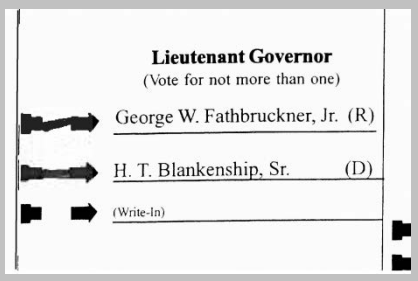



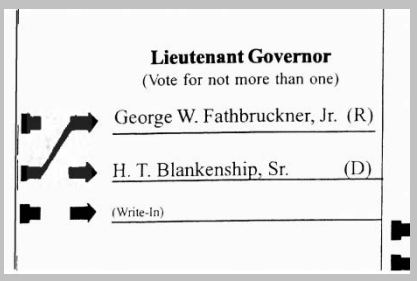



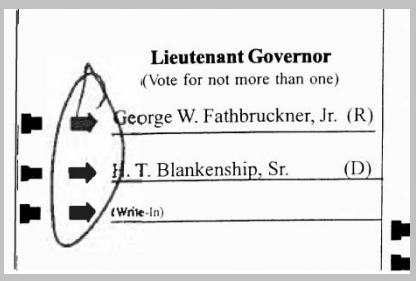



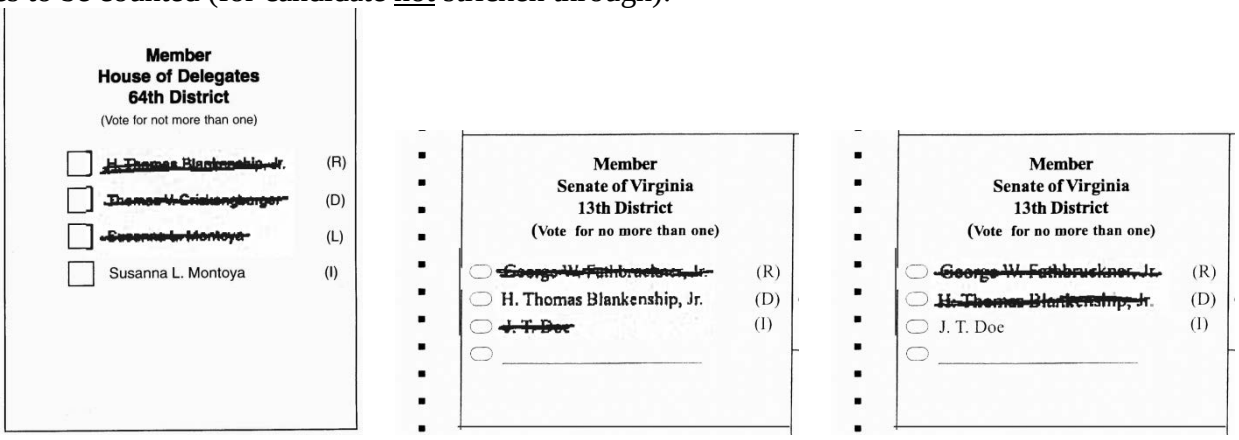



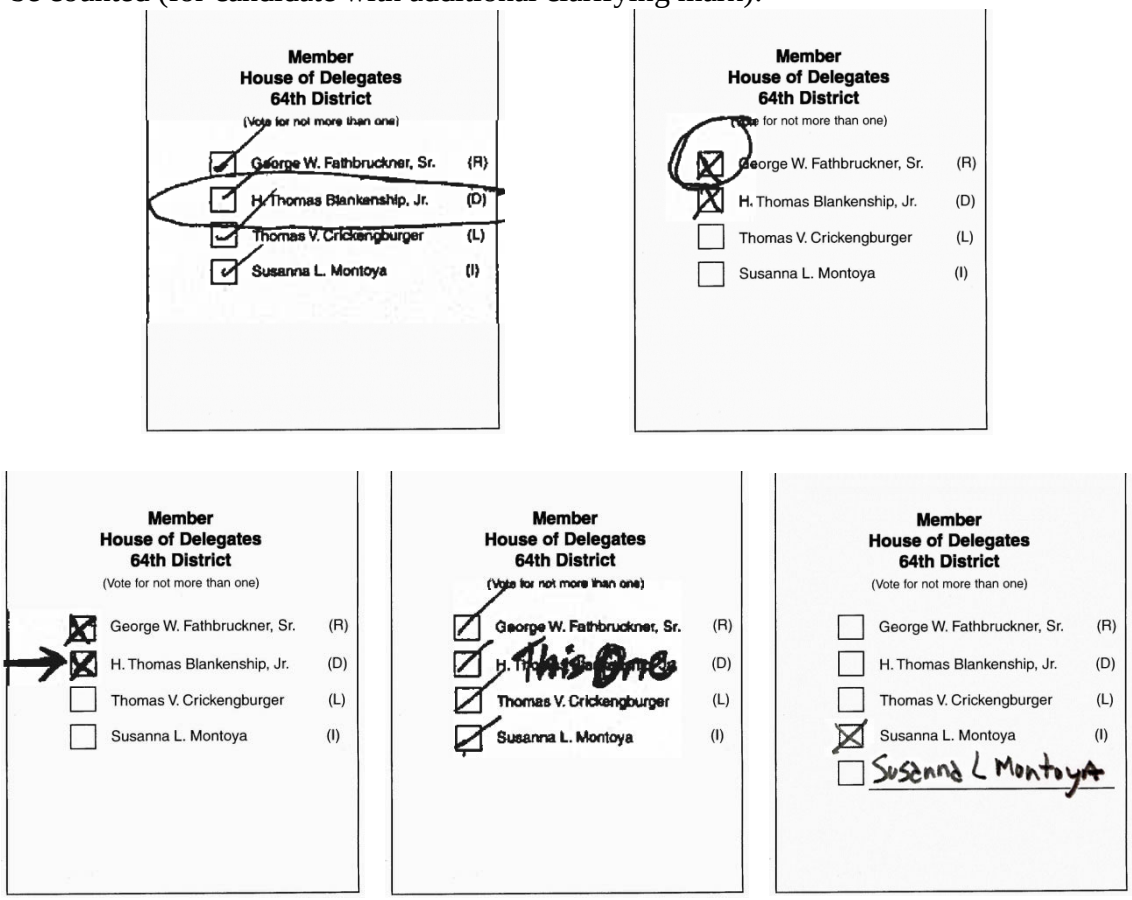
(5 continued) However, if more than two candidates had their names printed on the ballot for the office, and the names of all but one candidate are stricken through, that ballot shall be counted for the one candidate whose name was not stricken through.

Votes to be counted (for candidate not stricken through):

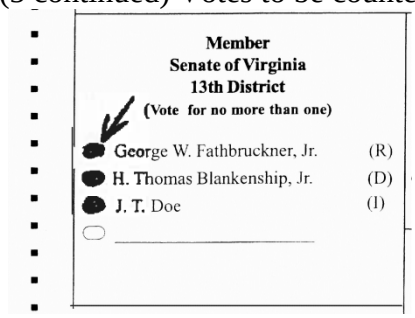


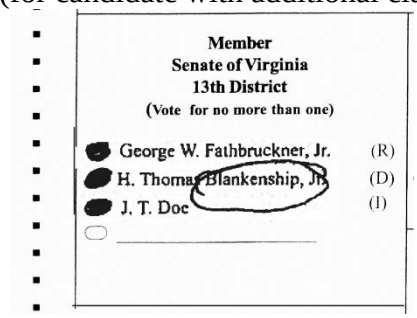

If there are identical marks for two or more candidates, clarified by an additional mark or marks that appear to indicate support, the ballot shall be counted as a vote for the candidate with the additional, clarifying marks.

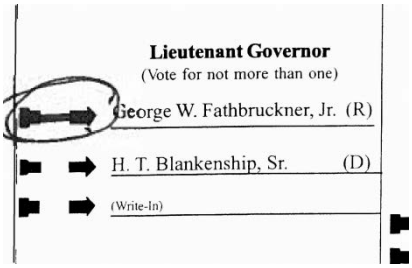
Votes to be counted (for candidate with additional clarifying mark):



(5 continued) Votes to be counted (for candidate with additional clarifying mark):

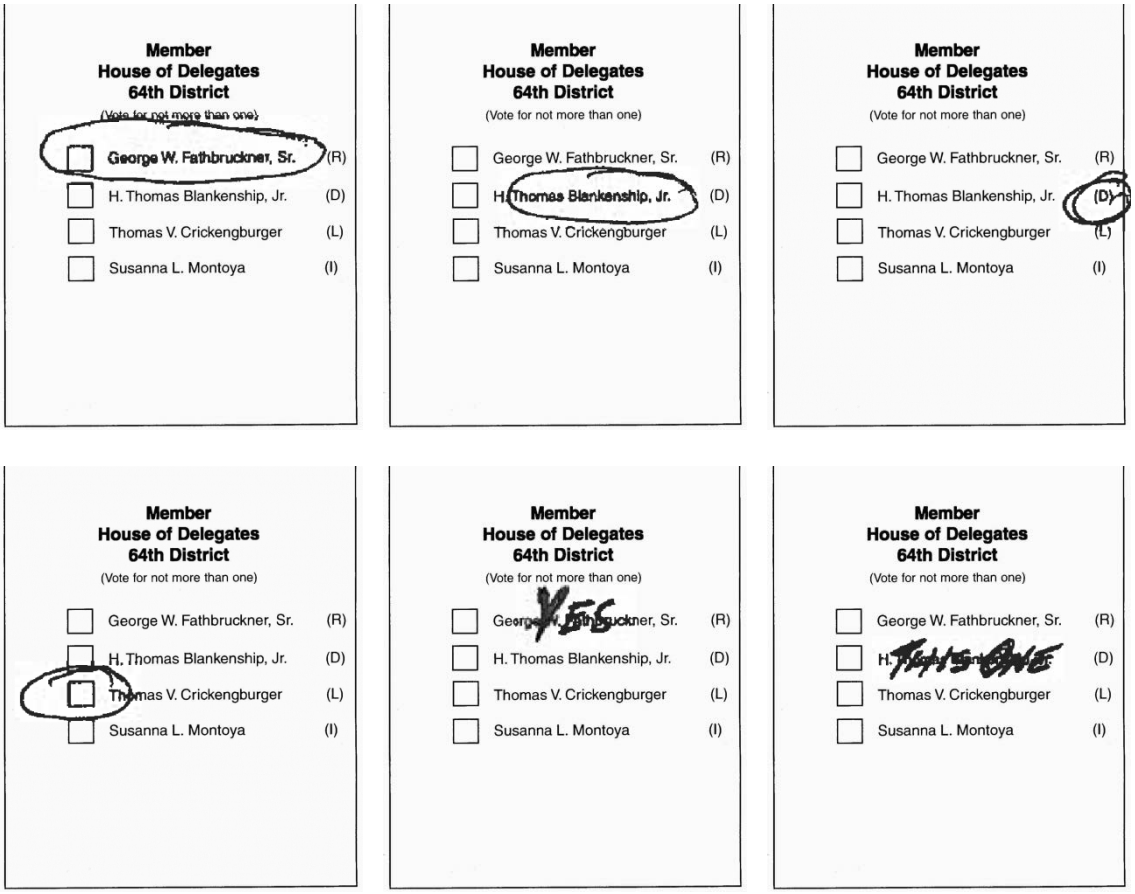


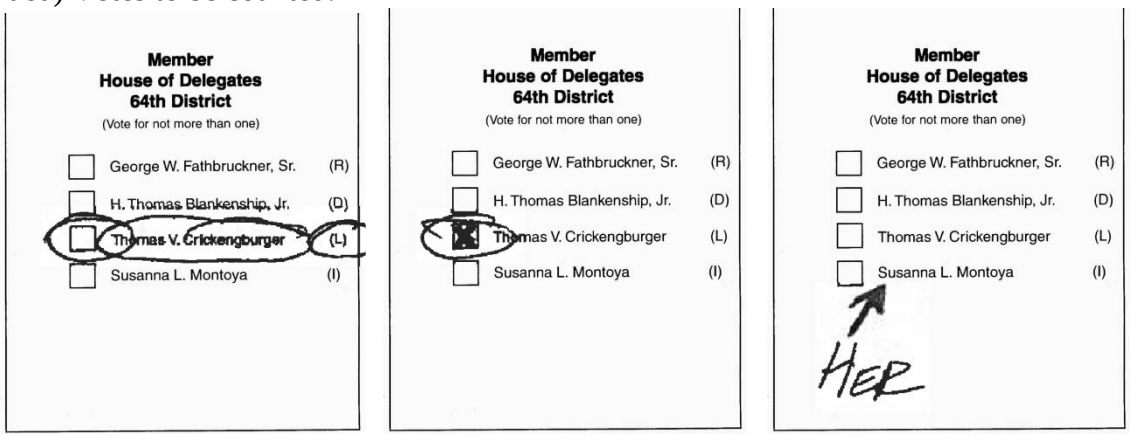



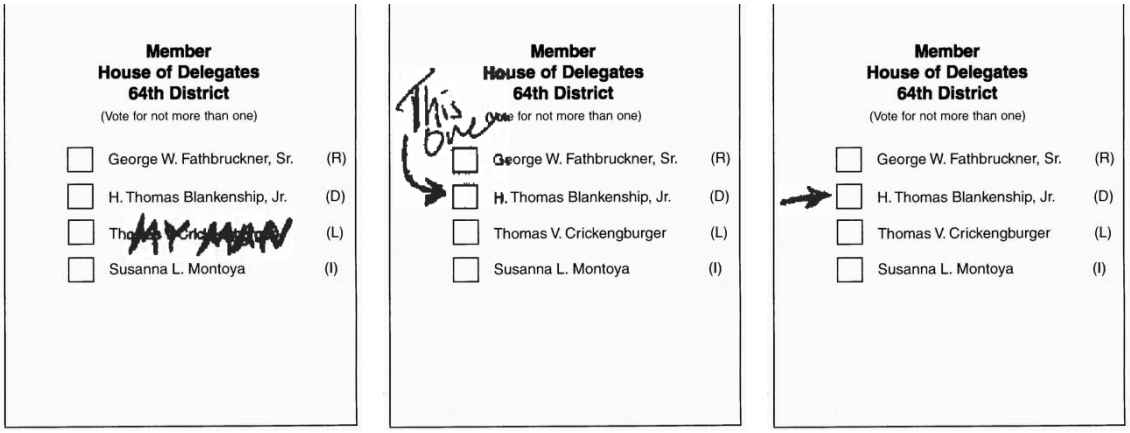

(6) Any ballot that has any other mark or marks in the target area or candidate area for one candidate only, including circling the target area and/or the candidate's name or making a mark through the target area or candidate's name, provided no other candidate for that office is similarly marked, shall be counted as a vote for that candidate

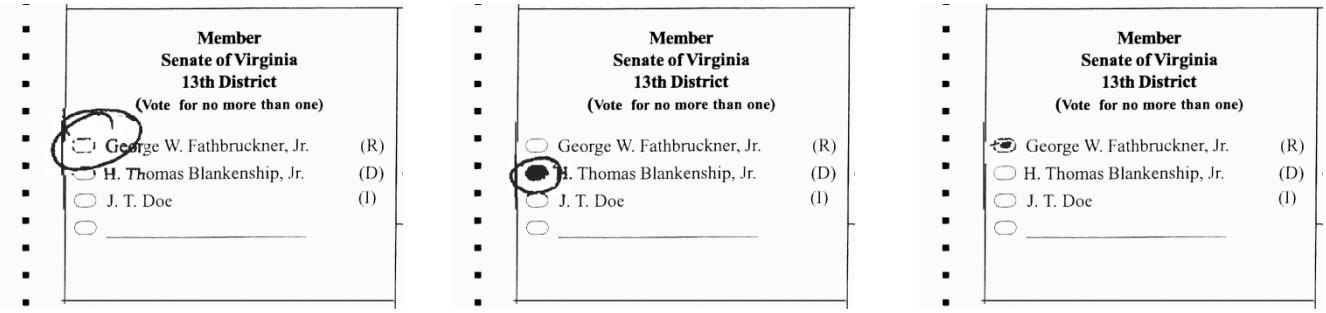
Votes to be counted:

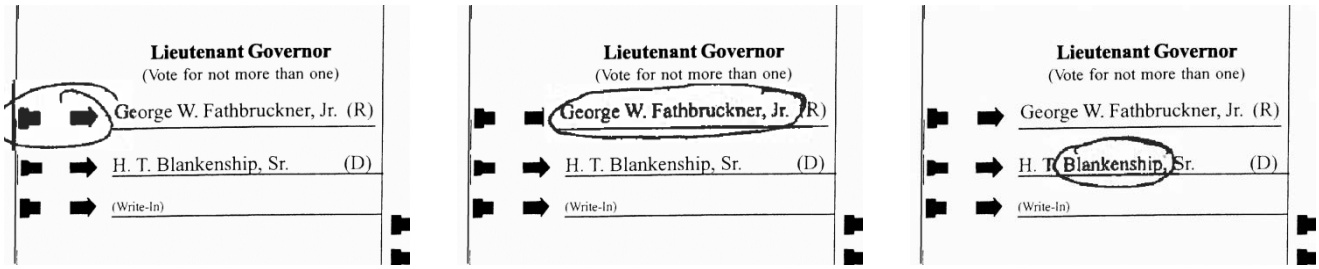


(6 continued) Votes to be counted:



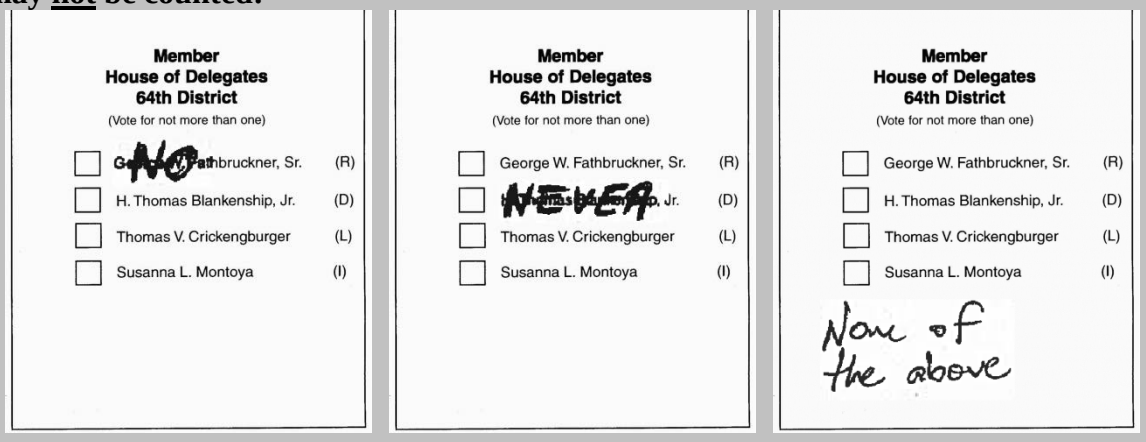



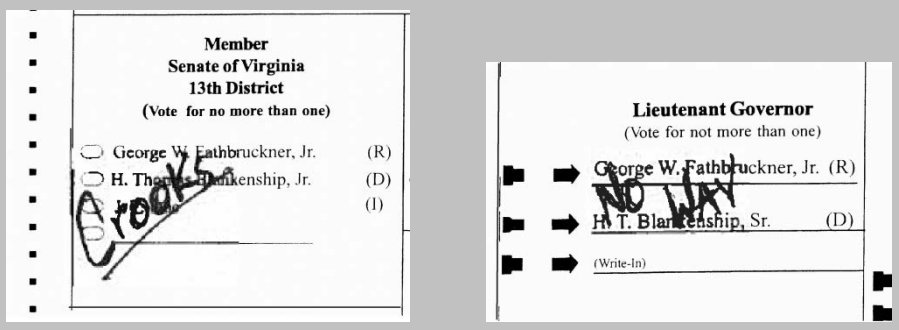



(6 continued) Unless the mark is a clearly negative or extraneous comment

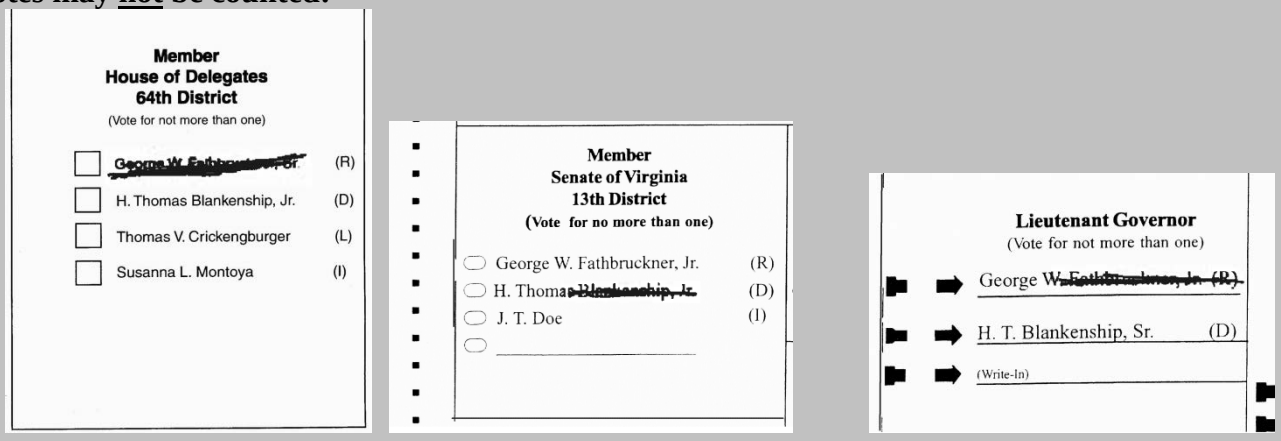
**Votes may not be counted:**



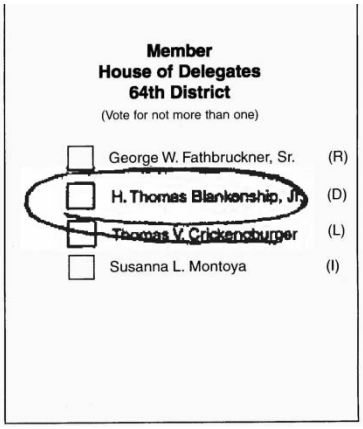

[Or unless] a substantial part of the candidates name is crossed through or stricken out.

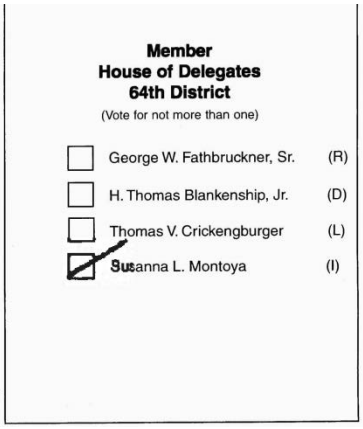
**Votes may not be counted:**

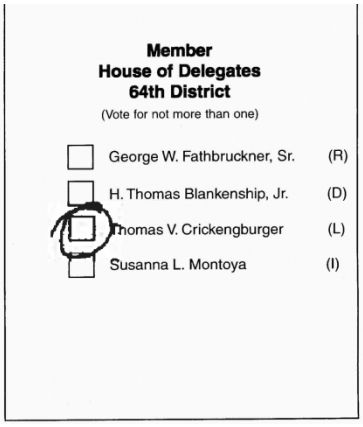


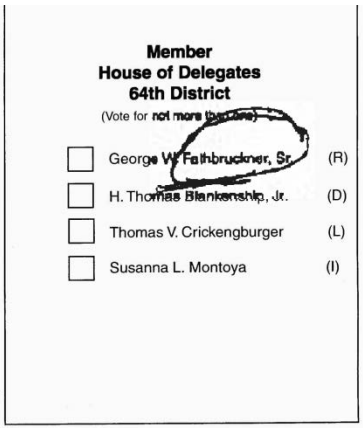
(7) Any ballot that has a mark or marks in the target area or candidate area for one candidate, which extends partially into one or more other target areas or candidate areas, shall be counted as a vote for the candidate so marked only if it is readily apparent that at least 3/4ths of the mark is in that candidate's area or target area, and no other candidate is similarly marked.

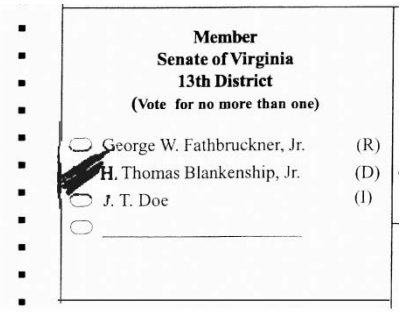
Votes to be counted:

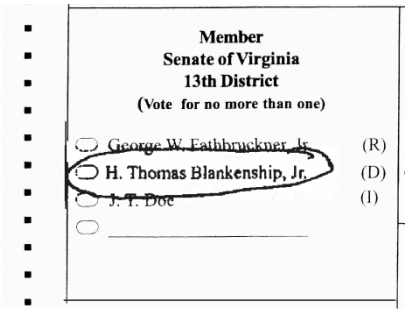


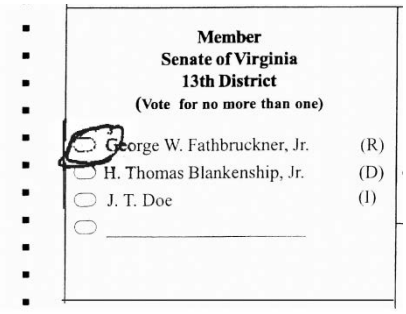



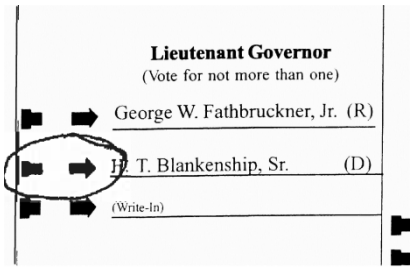



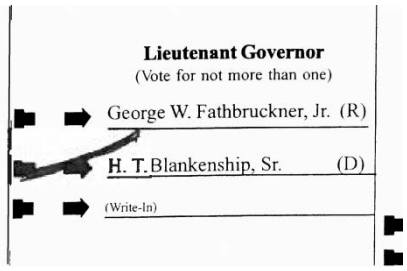



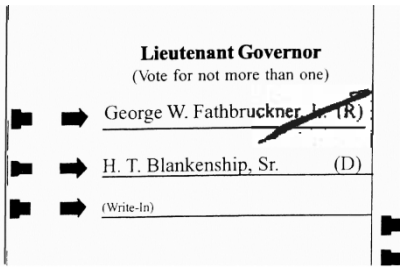



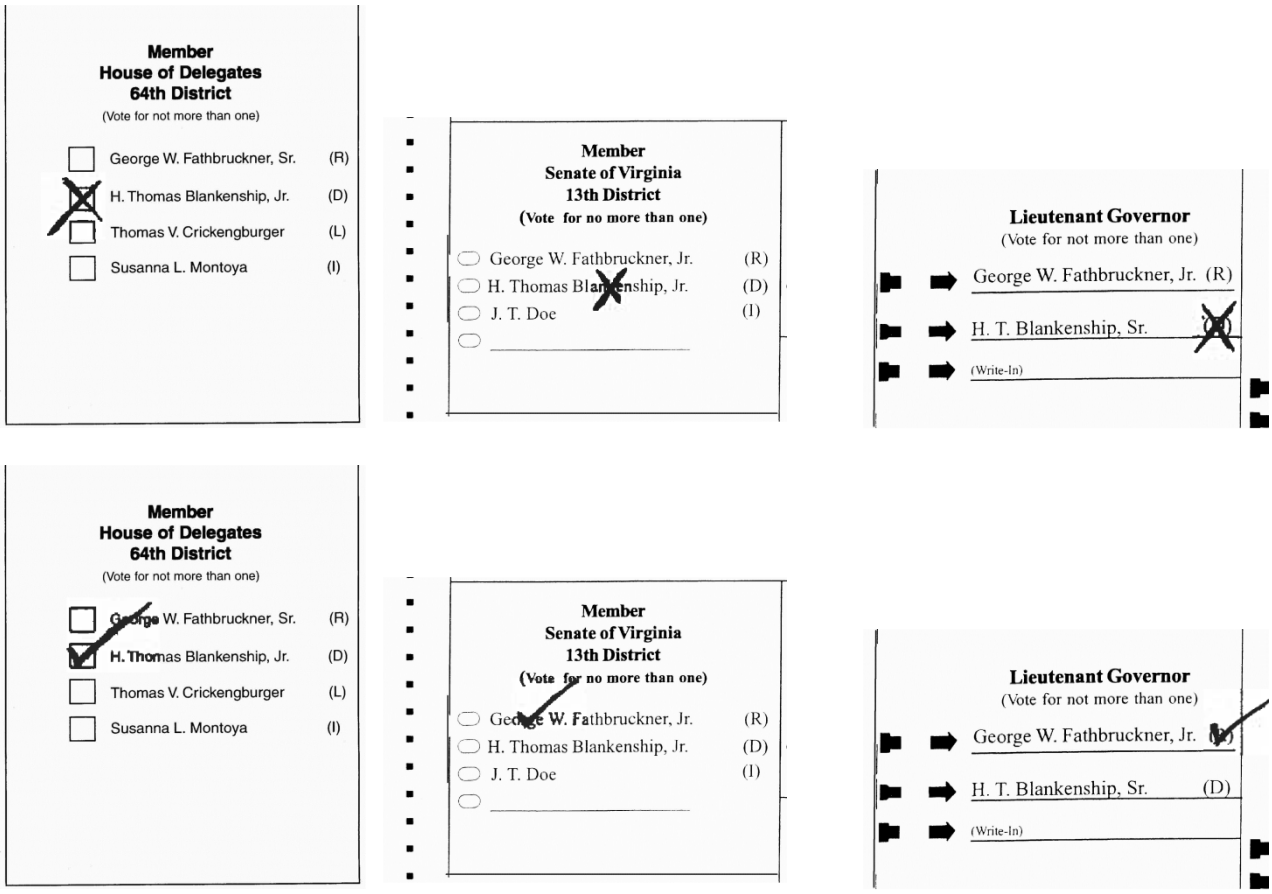



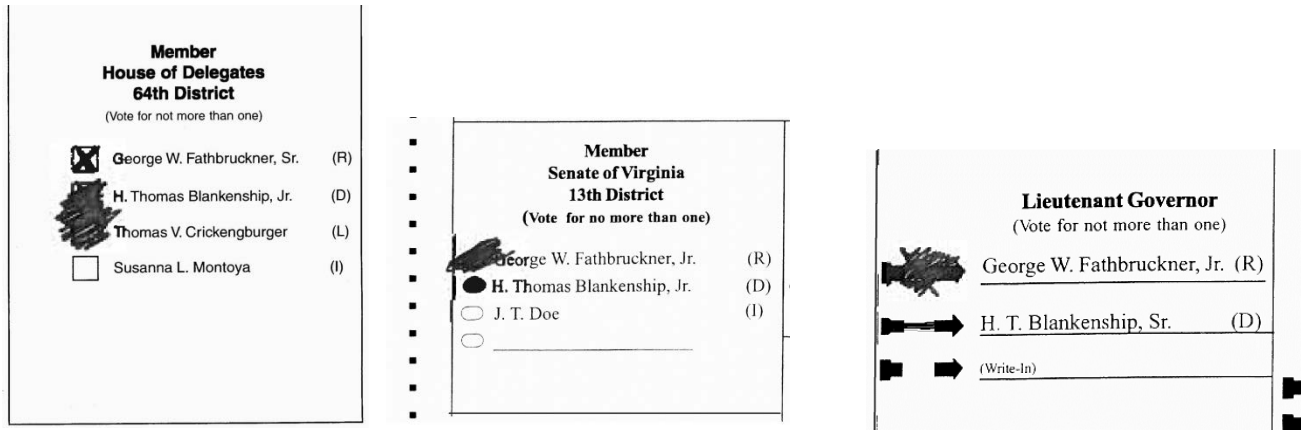
(7 continued) Other such marks, extending across more than one candidate's area, may be counted if the lines of the "x" or the bottom point of the check mark (√) clearly lie inside the box or on top of the name or party affiliation or candidate area of one candidate, and no other candidate is similarly marked.

Votes to be counted:

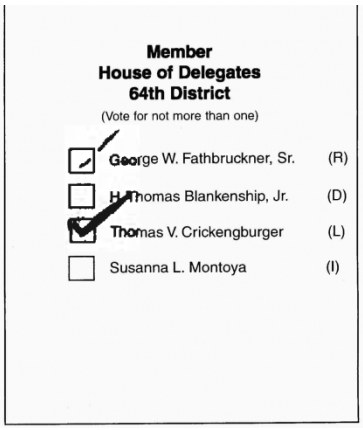


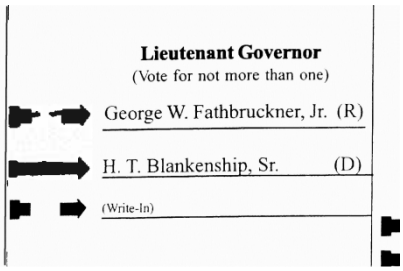

(8) Any ballot that has any mark, as above, in the target area or candidate area for one candidate, and on which other marks in the target areas or candidate areas for any other candidates have been partially erased, scratched out, or otherwise obliterated, shall be counted as a vote for the candidate for which the mark was not erased, scratched out, or otherwise obliterated, provided no other candidate is similarly marked.

Votes to be counted:



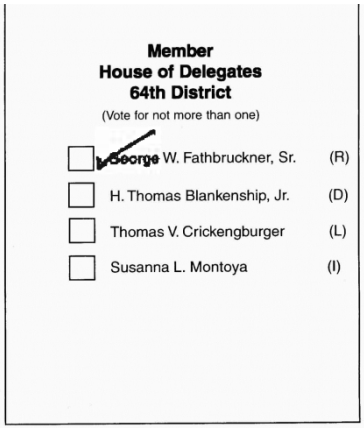
(8 continued) Votes to be counted:

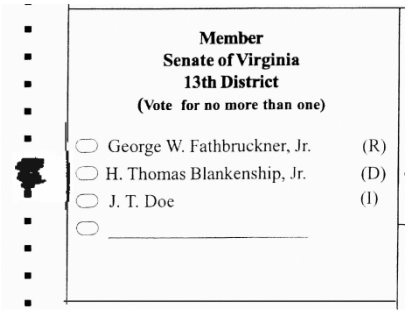


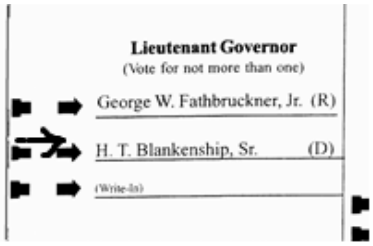




(9) Any ballot that has a mark that is clearly next to (either before or after) a candidate's name, or across the name, shall be recognized as a mark under items 1-6 above. Similarly, a mark between or over the "timing marks" of the ballot, that are clearly opposite or next to one candidate's name and not near another candidate's name, shall be recognized as a mark. (The "timing marks" are the small lines or boxes running down the right and/or left sides of certain electronically read or scanned ballots, which line up the ballot in the reader.)

Votes to be counted:

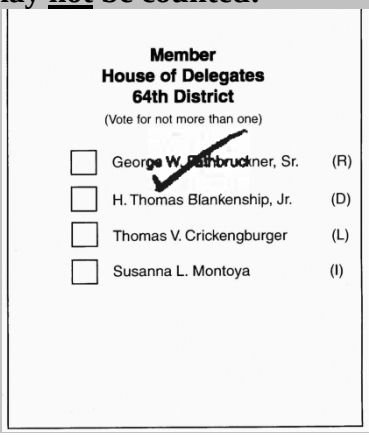


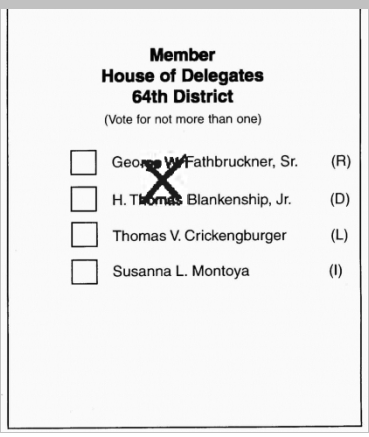



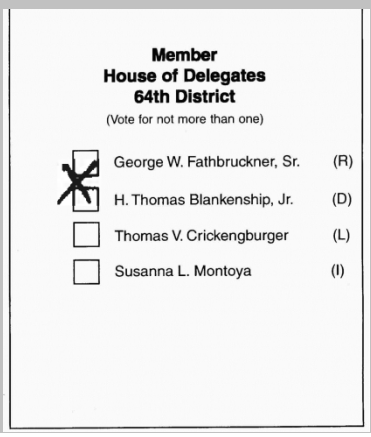




A mark that is between or across more than one candidate's name, candidate area, or target area shall not be recognized as a mark except under items 5 and 6 above.

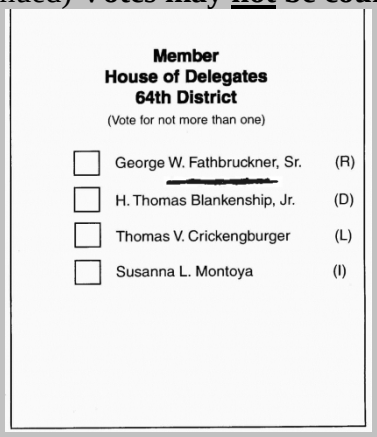
**Votes may <u>not</u> be counted:**

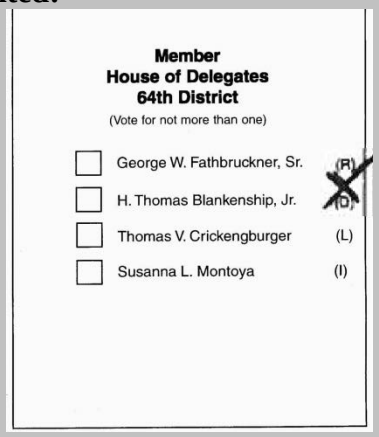


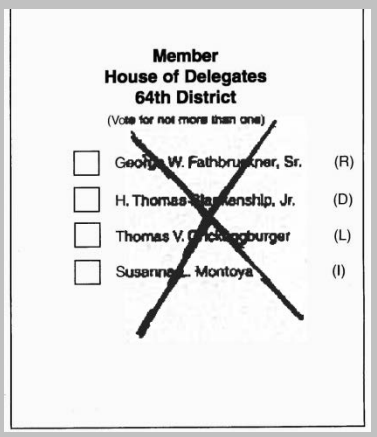



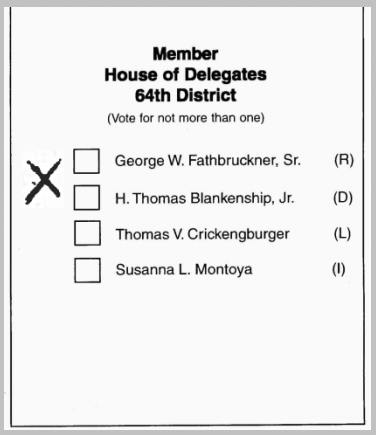



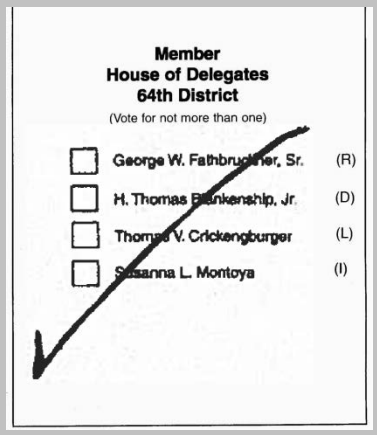
(9 continued) **Votes may <u>not</u> be counted:**

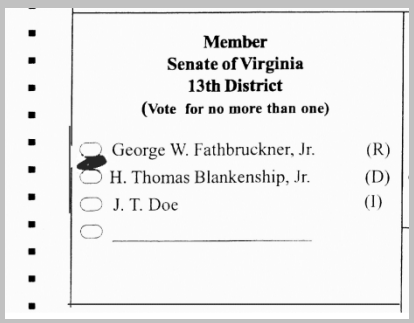


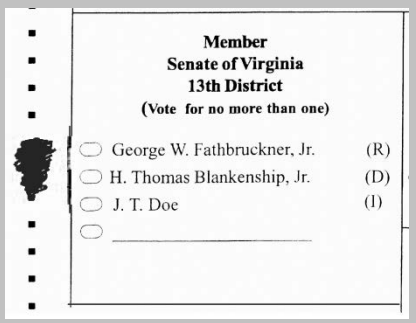



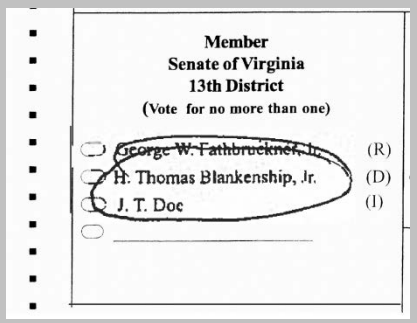



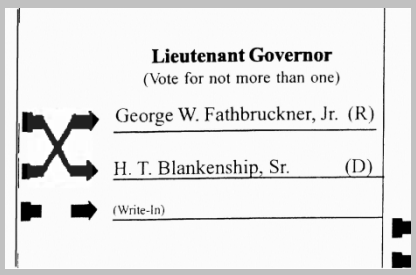



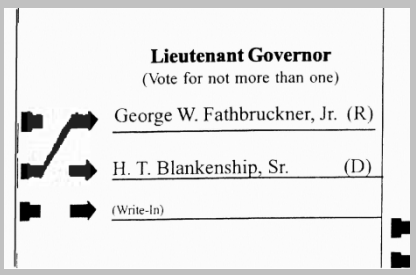



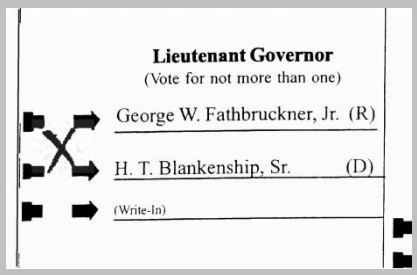



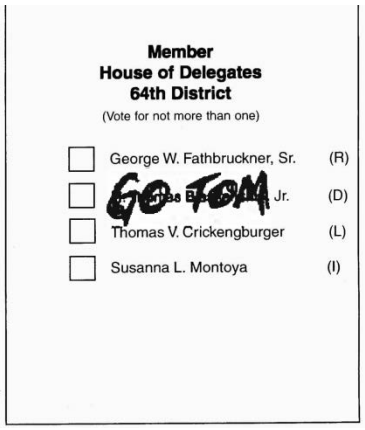



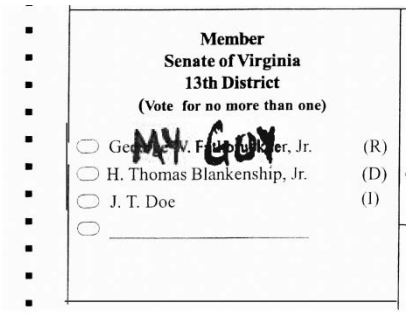



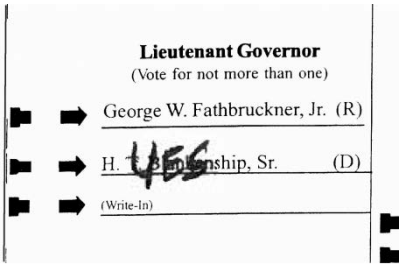



(10) Any other writing or remark on the ballot (other than a write-in unless a write-in candidate is a party to the recount) that clearly indicates the voter's support for one and only one candidate for the office that is the subject of the recount, and that cannot be interpreted as a remark in favor of any other candidate in that election, shall be counted as a vote for that candidate.

Votes to be counted:

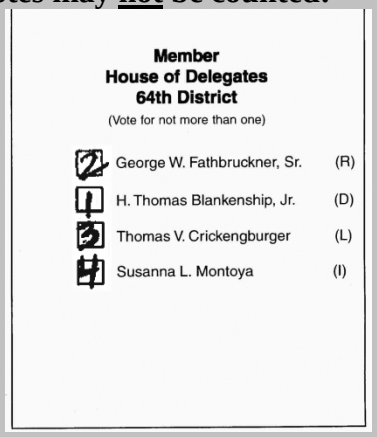


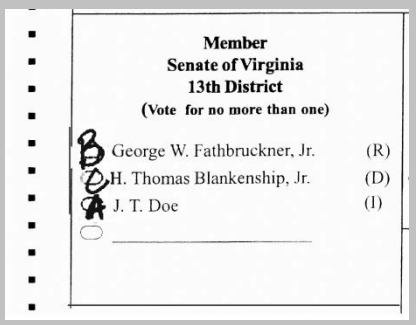



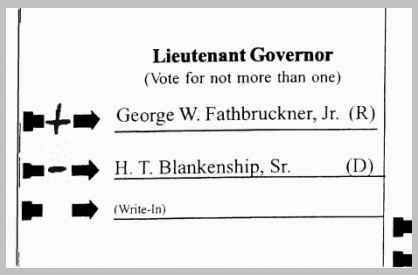




Writings or remarks which appear to be ranking the candidates (letters, numbers, +/-, etc.) shall not be considered valid marks unless only one candidate is marked and no other candidate is similarly marked.

**Votes may <u>not</u> be counted:**

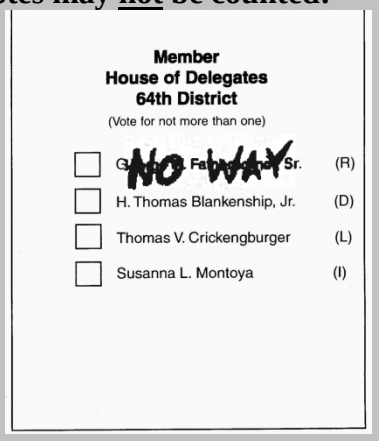


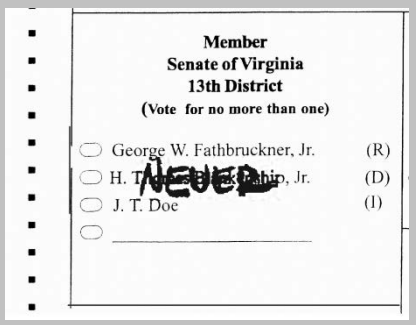



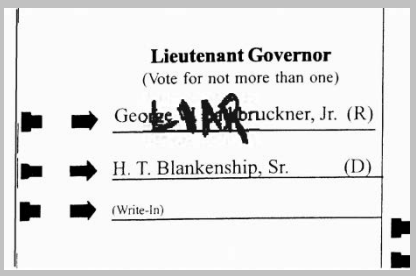



(11) Any other writing or remark on the ballot which indicates the voter's opposition to one or more candidates, provided the ballot is not so marked as to indicate which candidate the voter supports, shall not be counted as a vote for any candidate.

**Votes may not be counted:**

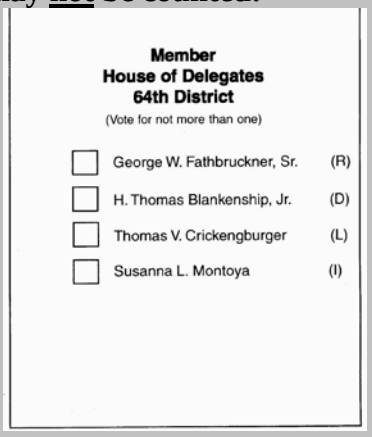


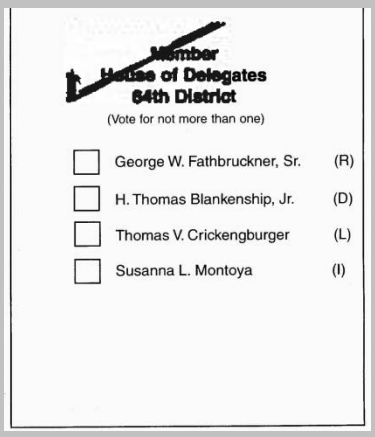



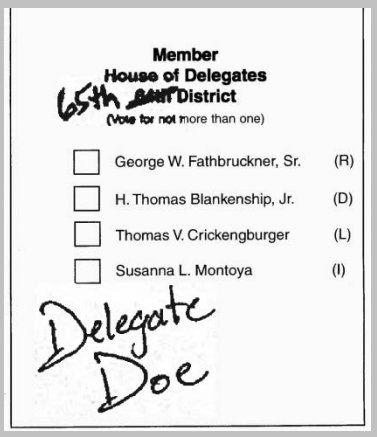



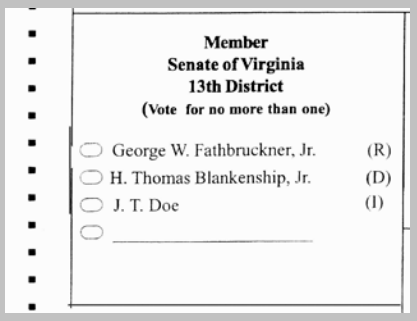

(12) Any ballot on which there is no mark under the office, or any other remark indicating support for a candidate for the office, shall not be counted as a vote for any candidate.

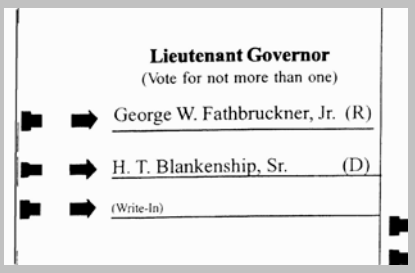
**Votes may not be counted:**



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STATE BOARD *of* ELECTIONS

# New Business

BOARD WORKING PAPERS

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# Full-Time Requests
# Bath County
# King & Queen County

BOARD WORKING PAPERS
Edgardo Cortés
ELECT Commissioner

# Memorandum

**To:** Members of the State Board of Elections
**From:** Edgardo Cortés, Commissioner
**Date:** October 6, 2015
**Subject:** Electoral Board Request for Full-Time Status for General Registrar

**Suggested motion for a Board member to make:**

Move that the Board approve the request from the Electoral Board of the County of Bath for the period of January 1, 2016 through April 30, 2016.

**Applicable Code Sections**: Chapter 3, 2014 Acts of the Assembly, Item 84(C)

**Attachments**:
Your Board materials include the following

- Signed request for temporary full-time status from Bath County Electoral Board

**Background:**

The Virginia Budget authorizes and funds general registrars with a population in most counties under 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the Budget does provide funding for the registrars to be compensated to work full-time for the months surrounding each year's May General Election (March through May), the Budget does not account for other elections, including local elections and primaries.

Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an appropriation from the general fund to provide temporary full-time status for part-time general registrars. Specifically, the Budget states:

> C. Included in the appropriation for this Item is $30,900 the first year and $30,900 the second year from the general fund to provide temporary full-time status for part-time general registrars. Such temporary full-time status may be granted by the Board of Elections, upon request of the Local Electoral Board, in recognition of temporary or permanent increases in workload. In making its determination, the Board of Elections shall consider elections, if any, required to be conducted by the locality during January through July, and evidence submitted by the Local Electoral Board to document increases in workload. Such evidence shall include specific data with comparisons, by transaction type and by month experienced, of

past and present workloads. Temporary full-time status, if granted, may include all or part of the time normally worked on a part-time basis.

ELECT staff recommendation is to approve the request from Bath County. The request is reasonable and reflects the timeframe in which the obligations for the March Primary reach the point where a part-time registrar should be in the office full-time. Part-time registrars have the same obligations as registrars in larger localities, including meeting important absentee ballot deadlines, administering in-person absentee voting and all the other assorted duties and responsibilities associated with properly administering an election.

AUG 24 PM 1:06

# Bath County Electoral Board

PO box 157
Warm Springs, VA
(540) 839-7266
John H. Haney, Chairman William L. Hardbarger, Vice-chair Martha W. Glenn, Secretary

19 August 2015

The Virginia State Board of Elections
James B. Alcorn, Chairman
Clara Belle Wheeler, Vice Chair
Singleton B. McAllister, Secretary

Washington Building
1100 Bank Street, First Floor
Richmond, VA 23219

Dear Honorable Board Members;

Bath County is one of sixteen small jurisdictions in the state with a part-time General Registrar and thus a part-time Voter Registration Office. In Bath County, the General Registrar also serves as Director of Elections, handling many of the day-to-day duties required to prepare and order ballots, program voting machines, prepare polling location materials, assist with officer of election training and other election related duties.

In 2016, there will be at least one primary election during the seven month period when the Registrar is paid to work only three days. The primary will be the Presidential Primary on March 1, 2016 and there may be another primary in June. The work required to prepare for the election while also handling the normal operations of the office is more than can reasonably be done in a three day work week.

In addition to the burden on the General Registrar, the three day week also limits the voting opportunity for Bath voters who wish to vote in-person absentee during the primary. The fact that a voter lives in a small jurisdiction should not make that voter a second class citizen, with less access to registration and absentee voting than the majority of voters in the state.

Candidates also suffer inconvenience in small localities when trying to submit petitions and other materials for ballot access. This was especially true during the current year for our local candidates, but will also be true for the Presidential primary and the possible primary for House of Delegates in June next year.

For these reasons, we feel the State Board of Elections should authorize the Bath County General Registrar to be paid full-time from the period of January 1, 2016 until April 30, 2016. If there is a primary in June, we request the full-time period be extended through July 31, 2016. The cost to the State and Bath County is small relative to the workload and the services provided to voters.

Thank you for your consideration of this matter,

Sincerely,

John H. Haney | William L. Hardbarger | Martha W. Glenn

# Memorandum

**To:** Members of the State Board of Elections
**From:** Edgardo Cortés, Commissioner
**Date:** October 6, 2015
**Subject:** Electoral Board Request for Full-Time Status for General Registrar

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**Suggested motion for a Board member to make:**

Move that the Board approve the request from the Electoral Board of the King & Queen County for the period of January 1, 2016 through February 29, 2016.

**Applicable Code Sections**: Chapter 3, 2014 Acts of the Assembly, Item 84(C)

**Attachments**:
Your Board materials include the following

- Signed request for temporary full-time status from King and Queen County Electoral Board

**Background:**

The Virginia Budget authorizes and funds general registrars with a population in most counties under 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the Budget does provide funding for the registrars to be compensated to work full-time for the months surrounding each year's May General Election (March through May), the Budget does not account for other elections, including local elections and primaries.

Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an appropriation from the general fund to provide temporary full-time status for part-time general registrars. Specifically, the Budget states:

> C. Included in the appropriation for this Item is $30,900 the first year and $30,900 the second year from the general fund to provide temporary full-time status for part-time general registrars. Such temporary full-time status may be granted by the Board of Elections, upon request of the Local Electoral Board, in recognition of temporary or permanent increases in workload. In making its determination, the Board of Elections shall consider elections, if any, required to be conducted by the locality during January through July, and evidence submitted by the Local Electoral Board to document increases in workload. Such evidence shall include specific data with comparisons, by transaction type and by month experienced, of

past and present workloads. Temporary full-time status, if granted, may include all or part of the time normally worked on a part-time basis.

ELECT staff recommendation is to approve the request from King & Queen County. The request is reasonable and reflects the timeframe in which the obligations for the March Primary reach the point where a part-time registrar should be in the office full-time. Part-time registrars have the same obligations as registrars in larger localities, including meeting important absentee ballot deadlines, administering in-person absentee voting and all the other assorted duties and responsibilities associated with properly administering an election.

*Office of the Electoral Board and General Registrar*
*County of King and Queen*
*232 Allens Circle, P. O. Box 56*
*King and Queen Court House, VA 23085*

*J. Armistead Ransone, Chairman*
*Leslie W. Jones, Vice Chairman*
*Susan K. Allgood, Secretary*

*Diane C. Klausen, General Registrar*
*dklausen@kingandqueenco.net*
*(804)785-5980*

September 1, 2015

Edgardo Cortes
Commissioner
Virginia Department of Elections
Richmond, VA

Dear Mr. Cortes,

In the event of a possible March 2016 Presidential Primary, please grant temporary full-time status, for the months of January and February 2016, to Diane Klausen, Registrar, King and Queen County to enable her to carry out the increased workload for this Primary.

Thank you for your consideration and if you have any questions please feel free to contact me.

Respectfully,

J. Armistead Ransone
Chairman, Electoral Board
King and Queen County

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# Pre-Election Update

BOARD WORKING PAPERS
Edgardo Cortés
ELECT Commissioner

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STATE BOARD *of* ELECTIONS

# Protocol for handling Campaign Finance Complaints

BOARD WORKING PAPERS
Brooks Braun
ELECT Policy Analyst

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STATE BOARD of ELECTIONS

# Other Business & Public Comment

BOARD WORKING PAPERS

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STATE BOARD *of* ELECTIONS

# Adjournment

BOARD WORKING PAPERS

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STATE BOARD *of* ELECTIONS

# BOARD MEETING

## Tuesday, October 6, 2015
## General Assembly Building
## Room D
## 2:00PM

SBE Board Working Papers
Prepared by Rose Mansfield
SBE Clerk