

Registrar of Voters Certification

Section 7 - Post-Election Audits and Re-canvasses

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Audit (§9-320f)

- See: SOTS *Audit Procedure Manual*
- Purpose
 - Mandatory post-election hand count audits conducted by ROV's in five percent (5%) of the voting districts randomly selected
 - open to public inspection
 - Purpose to ensure that votes cast using these machines are counted properly and accurately
 - NOT a recount where the focus is reviewing each ballot to determine voter intent
 - audit tests whether the machines accurately counted ballots that were properly marked
 - Ballots sorted
 - Properly marked (expect scanner to count correctly)
 - Questionably marked (e.g., a slash through the candidate oval, small dot or partially filled in oval)

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Audit

- CHAIN-OF-CUSTODY AND COUNTING PRINCIPLES
 - When out of secure storage, including transport to audit location, ballots should be in custody of 2 election officials of different parties
 - all ballot counts, vote marks, and hash marks are read or verified by two people of opposing parties
 - ballots independently counted by two people or counted jointly one at a time
 - When ballots stacked by candidate, two people must verify that all ballots in a stack are correctly classified
 - When votes read, a second election official should verify that the “call” matches the mark being read
 - When hash marks recorded either two officials should make and reconcile hash mark sheets or a second official must observe that hash marks are made for the correct candidate.

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Audit

- GETTING READY FOR THE AUDIT
 - SELECTION OF OFFICES
 - Municipal Year
 - Municipalities and districts selected by SOTS at public lottery 5% of the voting districts
 - Town clerk by public lottery selects 3 offices or 20% of offices on ballot, whichever greater
 - State Year
 - SOTS picks districts by public lottery
 - Offices required by federal law plus one picked by SOTS in public lottery
 - Primary
 - SOTS picks towns and district by public lottery
 - Town clerk picks no less than 20% of offices on ballot by public lottery
 - Town committee primary – only office on ballot - audited

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Audit

- Time and Place
 - Town sets date on or after 15th day after election; completed by date set by SOTS
 - Time and place made public (post at town hall or website or newspaper ad)
- Personnel
 - Need not have worked at election, but should be familiar with counting paper ballots.
 - May use workers from other towns
 - If possible, opposing parties or slate should be equally represented
 - Take oath

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Audit

- Delivery of materials
 - Only ballots counted by scanner audited
 - Absentee & EDR ballots counted centrally and hand counted ballots not audited
 - Scanners are not part of audit and left in secure storage
 - Ballot materials delivered to audit location by 2 workers of different parties or slates
 - Audits open to public
 - No audit activity should begin before announced state time

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Conducting Audit

- Step 1: Confirm Ballot Security
 - Seals and protective tape should be checked by 2 workers of different parties
 - Seal number recorded on audit form and compared with number on moderator's return
 - If seals broken or numbers don't match, contact SOTS

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Conducting Audit

- Step 2: Determine ballots included in audit
 - Only scanned ballots, including those from main bin, write-in bin and over votes
 - Absentee and EDR ballots counted at the polls included
 - Hand counted ballots separated and not included
- Step 3: Count total number ballots
 - Record on audit forms number of ballots counted by **each** scanner (from tapes)
 - Hand count, by 2 person teams, ballots machine counted ballots from each scanner

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Conducting Audit

- Step 4: Sort Ballots Undisputed vs. Questionable Votes
 - Done by 2 person teams, if both don't agree ROV's decide
 - *Undisputed Ballots*: ovals completely filled in, no stray or unusual marks **around offices to be audited**. Include write-ins and over-voted ballots
 - *Ballots with Questionable Votes*: ovals only partly filled, check marks in ovals, stray or unusual marks **in any office being audited**

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Conducting Audit

- Step 5: Count Ballots
 - Counting teams should not be aware of machine total from election night
 - For each office to be audited, first count **Undisputed** ballots, record number in **Column D** of the audit report
 - Next count ballots with **Questionable Votes** in **Column E** of audit report

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Conducting Audit

- Step 5: Count Ballots (cont.)
 - Suggestions
 - Separate ballots into batches of 50
 - Assign 2 workers to make hash marks and reconcile subtotals after completing each batch
 - Each batch should be numbered attached to batches by sticky notes or paper clips
 - have separate tally sheets for each batch
 - NEVER write on ballots, any notes on ballot should be on sticky notes or paper clipped

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Conducting Audit

- Step 5: Count Ballots (cont.)
 - Cross-endorsements
 - Cross endorsed candidates usually have 3 lines on the tabulator tape (e.g., Smith-Dem, Smith-Wkf, Smith-Unk)
 - “Unk” means “unknown”
 - When a voter fills in both ovals for a cross-endorsed candidate that is treated as one vote for the candidate with “unknown” party
 - Create a category Unknown, and tally votes there when more than one oval is filled in for a cross-endorsed candidate

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Reporting Ballot Totals

- Results should be reported on the “Audit Report” form in the *SOTS Audit Procedure Manual*
 - “**Undisputed Vote Totals**” should be recorded in Column D
 - “**Questionable Vote Totals**” should be recorded in Column E
 - “Questionable Votes” should be explained in the comments section of the audit report
 - For example: “5 instances of substantially incomplete bubbles”. See: *SOTS Audit Procedure Manual* for graphic examples of Questionable Votes & how to record them on audit report

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Examples of Questionable Votes

- Slash marks through ovals

In this example a voter cast two questionable votes that the tabulator may or may not have recorded for Lincoln and Eisenhower. Therefore, the Audit Report should reflect vote totals as follows...

A	B	C	D	E	F
Office	Candidate	Machine Totals (Tape)	Undisputed Vote Totals	Questionable Vote Totals	Overall Hand Count Totals (D + E)
First Selectman	Lincoln	1*	0	1	1
Selectman	Eisenhower	2*	0	1	1

* Machine totals should be copied directly from the optical scanner's tape. The totals here are for illustration only.

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Examples of Questionable Votes

- Invalid correction

Office	Candidate	Machine Totals (Tape)	Unreported Vote Totals	Questionable Vote Totals	Overall Hand Count Totals (D + E)
First Selectman	Lincoln	1*	0	1	1
Selectman	Eisenhower	1*	1	0	1

* Machine totals should be copied directly from the optical scanner's tape. The totals here are for illustration only.

You should be sure to explain this and other discrepancies in the location provided on the Audit Report....

- Suggested explanation for Audit Report:
 - The machine should have read the retracted vote for Candidate Eisenhower as a real vote. The tabulator read the vote for Lincoln that was improperly marked by the voter.

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Examples of Questionable Votes

- Invalid written correction

Office	Candidate	Machine Totals (Tape)	Unreported Vote Totals	Questionable Vote Totals	Overall Hand Count Totals (D + E)
First Selectman	Lincoln	1*	1	0	1
Selectman	Eisenhower	0*	0	1	1

* Machine totals should be copied directly from the optical scanner's tape. The totals here are for illustration only.

You should be sure to explain this and any other discrepancies in the location provided on the Audit Report....

- Suggested explanation of discrepancy:
 - Regardless of attempt to retract vote, tabulator counted a vote for Candidate Lincoln because oval for Lincoln completely filled. The tabulator did not count a vote for Eisenhower because Eisenhower's oval not completely filled in.

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Discrepancies

- If Column C (the machine total) is different from Column F (the overall hand count total), then every effort should be made explain, including conducting a second hand count
- Report differences to SOTS
- Differences of 1 or 2 votes can occur, but should be confirmed by second count
- ROV's or SOTS can request UConn VoTeR Center examine any machine to determine if there is a problem with machine

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CLOSING THE AUDIT

- At conclusion of Audit, all ballot materials should be resealed, seal numbers recorded, returned to secure storage
- CONTINUATION OF AUDIT
 - If the audit is to be continued in another session
 - The ballots should be resealed in the bag
 - New seal numbers recorded
 - Observers & SOTS notified of date, time & location of next session

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Role of Observers

- Observers should be close enough to
 - See ballots as they are being counted
 - See tally sheets being marked
 - See report forms
 - Verify are properly added
 - Verify seal numbers
 - Ask questions to ROV's
- No observer may disrupt process

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Recanvass

- CHAIN-OF-CUSTODY
 - Whenever ballots outside of secure storage should at all times be under the supervision of at least two election officials of opposing parties (or candidates in a primary), including
 - transported from polling place after the election
 - transported to the recanvass facility
 - during and after recanvass
 - until they are returned to the secure storage.
 - Ballots, memory cards, and tabulators must be under seal in secure storage until no longer needed for a potential recanvass

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Recanvass

- Counting principles
 - All ballots, vote marks are read and verified by two people of opposing parties or factions
 - Ballots are independently counted by two people or counted jointly one at a time
 - When ballots are stacked by candidate, two people must verify that all ballots are correctly classified
 - When votes read, second election official should verify that call matches the marks
 - When hash marks recorded, either two officials should make and reconcile hash mark sheets or second official must observe that hash marks are made for the correct candidate

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Recanvass

- Types of recanvass
 - Discrepancy
 - Moderator or Head moderator may call recanvass of machine counted ballots, and/or hand counted ballots, and/or absentee ballots and/or write-in ballots if he determines there is a discrepancy in the returns of any voting district
 - Must be determined & election officials summoned not later than 3 days after election or primary
 - Held not later than 5th business day after election or primary

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Recanvass

- Types of recanvass (cont.)
 - Close Vote
 - Election
 - Margin between winner & 1st loser (or losers) is either (i) less than $\frac{1}{2}$ of 1% of total votes cast for office, but not more than 2000 votes or (ii) less than 20 votes
 - Primary
 - Margin between winner & 1st loser (or losers) is either (i) less than $\frac{1}{2}$ of 1% of total votes cast for office, but not more than 1000 votes or (ii) less than 20 votes
 - Unless all such defeated candidates file written waiver
 - Multi-opening office "the total number of votes cast for the office" means the total number of electors checked as having voted

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Recanvass

- Types of recanvass (cont.)
 - Tie Vote
 - Election: if there is a tie vote for any office recanvass unless all but one of the candidates receiving an equal number of votes dies, withdraws his name, or becomes disqualified
 - Primary: if recanvass results in tie, adjourned primary
 - If adjourned (2nd) primary results in a tie, decided by lot or coin toss

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Recanvass

- Types of recanvass (cont.)
 - Close Question
 - less than one-half of one per cent of the total votes cast for the question, but not more than 2000 votes
 - If regional district recount only if the difference between the "Yes" and "No" votes for the whole regional district comes within this margin
 - Procedures Generally
 - Notice provisions vary depending on office
 - Impoundment, return forms, procedure for recanvass, and preparation of returns are applicable in any recanvass.

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Recanvass

- Notice of Recanvass
 - Election or Primary for State & District Office
 - SOTS notifies town clerks
 - Clerks notifies moderator
 - Moderator summons recanvass officials & notifies town chairs & candidates
 - For Elections or Primaries for Municipal Office or Election of members of a Town Committee
 - Clerks notifies moderator
 - Moderator summons recanvass officials & notifies town chairs & candidates
 - In recanvass of multi-opening office, ALL candidates for ALL openings recanvassed
 - Summons to recanvass officials in writing delivered personally

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Recanvass

- **Recanvass Officials** (who worked the election or primary)
 - Moderator
 - Registrars (or one holding primary)
 - Of opposing parties or factions in primary, at least
 - 2 official checkers
 - 2 absentee ballot counters
 - 2 ballot clerks
 - Substitutes: if officials not available, ROV of that party picks substitute with previous training and experience

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Recanvass

- **CONTENTS OF NOTICE**
 - Require municipal clerk and/or registrar of voters to bring :
 - i. the tabulators with a memory card still sealed in them.
 - ii. the sealed ballot transfer cases for each voting district, which contain:
 - all machine counted ballots,
 - the sealed depository envelopes containing the hand-counted absentee ballots; notes, worksheets and other written materials used in the absentee ballot counting procedures; and the Moderator's Record of Absentee Ballot Count for Candidates;
 - the sealed depository envelopes containing the counted ballots from the auxiliary bin; notes, worksheets and other written materials used in counting the ballots from the auxiliary bin (if any);
 - the sealed depository envelopes containing the counted ballots from the write-in bin; notes, worksheets and other written materials used in counting the ballots from the write-in bin;

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Recanvass

- CONTENTS OF NOTICE (CONT.)
 - Require municipal clerk and/or registrar of voters to bring :
 - iii. the sealed depository envelopes containing rejected absentee ballots and discarded inner and outer envelopes;
 - iv. the absentee ballot applications;
 - v. the list of absentee ballot applicants as provided in §9-140;
 - vi. the check list;
 - vii. the moderator's returns, including the central absentee ballot counting moderator's return, if applicable;
 - viii. replacement seals;
 - ix. challenge ballots, provisional ballots, presidential ballots and all other materials.

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Recanvass

- CONTENTS OF NOTICE (CONT.)
 - Notice to town chairmen of each party that nominated a candidate for office recanvassed
 - May send observers
 - But may NOT participate in recanvass
 - Notice to Candidates
 - election or primary for municipal office or election of members of a town committee
 - To public
 - by sufficient signage

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Recanvass

- IMPOUNDMENT
 - ROV's must impound
 - i. the tabulating machines, with the memory card still sealed in them, for all voting districts
 - ii. the sealed ballot transfer cases for each voting district, which contain:
 - all machine counted ballots;
 - sealed depository envelopes containing hand-counted absentee ballots; notes, worksheets and other written materials used in absentee ballot counting procedures; and Moderator's Record of Absentee Ballot Count for Candidates;
 - sealed depository envelopes containing counted ballots from auxiliary bin; notes, worksheets and other written materials used in counting ballots from auxiliary bin (if any) ;
 - sealed depository envelopes containing counted ballots from the write-in bin; notes, worksheets and other written materials used in counting ballots from write-in bin;

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Recanvass

- IMPOUNDMENT
 - ROV's must impound (cont.)
 - iii. sealed depository envelopes containing rejected absentee ballots and discarded inner and outer envelopes,
 - any impounded documents not in a sealed and locked ballot transfer case must be sealed.
 - sealed and locked ballot transfer cases, and the tabulating machines with the memory card sealed in place must be stored in a secure location
 - transfer cases and the tabulating machines may not be removed from the secure location until the time of the recanvass

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Recanvass

- IMPOUNDMENT
 - Moderator's returns and the check lists
 - Must be available for public inspection
 - Town Clerk must secure the moderator's returns and check lists in a locked file cabinet or drawer to which the municipal clerk only has access
 - Clerk must maintain a log of all public inspections, noting the document, the date, time and name of each person inspecting such documents
 - All public inspections must be conducted in full view of the town clerk or his assistant

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Recanvass Procedures

- All recanvass procedures open to public; BUT, no member of the public can actively participate or interfere with the conduct of the recanvass
- Marksense ballots
 - Head Moderator (Moderator in single voting district town) is in charge of the recanvass
 - ROV's provide
 - tally sheets
 - moderator's returns
 - central counting tally sheets and the central counting moderator's return (if applicable)
 - same forms for tally sheets and moderator's returns used at the original canvass, adjusted as necessary, must be used for the recanvass

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Recanvass Procedures

- Marksense ballots (cont.)
 - *A spare or back-up tabulator, with a fully tested and unused memory card, should be used for any recanvass, if possible*
 - recanvass officials shall, in presence of moderator
 - make a record of the number on the seals on the tabulator and ballot transfer case
 - indicate whether they are unbroken
 - *if a back-up tabulator with a fully tested and unused memory card is not available*
 - new memory card installed in tabulator,
 - tabulator installed on empty ballot box,
 - pre-election testing procedures followed to prepare the new tabulator for use
 - a record shall be made
 - test ballots removed and packaged

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Recanvass Procedures

- Marksense ballots (cont.)
 - After testing, set tabulator to election mode
 - Machine prints zero report
 - Make sure report states correct town or voting district and the office and candidates being recanvassed
 - Report signed by Moderator & ROV's and left attached to tape
 - If new memory card just inserted, fill out Certificate of Pre-election Testing
 - If fully tested back-up tabulator used, Moderator should make its Certificate of Pre-election Testing available for public inspection

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Recanvass Procedures

- Marksense ballots (cont.)
 - recanvass officials break the seal of ballot transfer case and begin recount
 - 2 recanvass officials of opposing parties open depository envelopes containing **hand counted absentee ballots**,
 - hand count the votes for the offices and questions subject to recanvass,
 - record them on the tally sheets,
 - reseal them in labeled depository envelopes

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Recanvass Procedures

- Marksense ballots (cont.)
 - Two recanvass officials of opposing parties open depository envelopes of ballots from **write-in bin**
 - Check for marking errors or write-in for office recanvassed
 - If any put aside for hand count
 - All other write-in ballots should be fed into the machine, so that non-write-in votes can be tabulated
 - In office subject to recanvass, count
 - write-in vote cast for a registered write-in candidate,
 - write-in votes cast for a candidate whose name is printed on the ballot for that office,
 - votes for candidates nominated for that office

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Recanvass Procedures

- Marksense ballots (cont.)
 - if machine was used in polling place, open depository envelope with ballots from **auxiliary bin**,
 - hand count votes for offices and questions subject to recanvass,
 - record them on the tally sheets
 - reseal them in a labeled depository envelope

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Recanvass Procedures

- Marksense ballots (cont.)
 - 2 recanvass officials of different parties or factions remove all other ballots (except “spoiled” envelope) from transfer case
 - 2 officials examine each ballot to determine whether markings for office being recanvassed are sufficiently clear to be read by the machine
 - If either official thinks the machine will not count a ballot correctly, it is put aside for hand count
 - If there is a “stickered” race subject to recanvass, (candidate was replaced after first absentee ballots issued), any ballots with old candidate’s name should be put aside for hand count (votes for old candidate **NOT** counted for new candidate)
 - Ballots which 2 officials of opposite parties agree can be machine read should be fed into machine

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Recanvass Procedures

- Marksense ballots (cont.)
 - For each voting district, recanvass officials print and sign two elections results tapes and announce machine results for offices and questions subject to recanvass. Ignore other races.
 - Original tape which remains attached to the opening zero tape should be attached to the Recanvass Moderator's Return
 - All ballots set aside for hand count should be hand counted, recorded on the "hand recount" line on the tally sheet and sealed in a new labeled depository envelope

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Recanvass Procedures

- Marksense Ballots
 - officials, in the presence of the moderator and town clerk, open depository envelopes containing discarded outer and inner envelopes and rejected absentee ballots
 - check all absentee ballot outer envelopes against absentee ballot inner envelope
 - and against check list
 - to verify postmarks, addresses and check list markings
 - and to verify that the number of outer and inner absentee ballot envelopes is the same as the number of persons checked as having voted by absentee ballot

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Recanvass Procedures

- Marksense Ballots
 - complete the moderator's returns for each office and question subject to recanvass
 - Announce results
 - All ballots are sealed in depository envelopes in the manner in which they were on election night
 - placed in the ballot transfer case
 - a new seal attached to the case
 - election day memory card shall be sealed in a safe memory card container
 - tabulator shall be locked and the recanvass memory card shall be sealed in it

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Recanvass Procedures

- Marksense Ballots
 - When all votes for the offices subject to the recanvass have been counted and recorded on the proper tally sheets
 - "Certificate of Ending Recanvass" completed and signed by moderator and at least two recanvass officials of opposing parties
 - Seal numbers on ballot transfer case, the tabulator and any additional memory card containers must be listed on the certificate

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Recanvass Procedures

- **USE OF MORE THAN ONE TABULATING MACHINE**
 - moderator may use more than one tabulating machine simultaneously; provided
 - that each machine process only one voting district at a time, machine set up and shut down by the procedures for use of a single machine
 - at all time at least two recanvass officials of different parties operate each machine

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Recanvass Procedures

- **Completion Of Recanvass**
 - tabulators, sealed ballot transfer cases and all previously impounded material immediately returned to registrars of voters or town clerk
 - tabulators, memory card storage container and all other materials sealed for 14 days after the election or primary
 - unless otherwise ordered by a court, SOTS or SEEC

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Recanvass Procedures

- Moderator's Return
 - moderator and at least two of the recanvass officials of different political parties or different factions prepare and sign the moderator's return forms, which must contain:
 - a written statement giving the result of the recanvass for each machine and each package of absentee ballots
 - setting forth whether or not the original canvass was correctly made
 - in a discrepancy recanvass, state whether the discrepancy still remains unaccounted for
 - statement signed by the moderator indicating the time and place of recanvass and name, addresses, title and party affiliations of recanvass officials

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Recanvass Procedures

- Filing
 - One original recanvass return filed with SOTS
 - One original recanvass return filed with Town Clerk
 - Substituted for the original return
 - If Federal Office is on ballot, include number of provisional ballots received, counted and rejected
 - offices involved,
 - if any, total number of provisional ballot votes cast for each candidate,
 - total number of votes for each candidate including the number of votes cast by provisional ballot, write-in
 - any changes to the total votes of such candidate as a result of any recount conducted.

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OTHER INFORMATION

- Observers & Candidate Representatives
 - recanvass open to public observation
 - no member of the public can actively participate or interfere
 - Each candidate (or slate in a town committee primary) subject to the recanvass permitted 2 representatives
 - Candidates and their representatives allowed to observe and make notes, but not so close to officials as to disrupt their activities.
 - Moderator has sole discretion to define distance between candidates' representatives and officials
 - recanvass officials have ability to move or remove any individual who fails to comply
 - Moderator shall make the final decision regarding the intention of the voter

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Minority Representation (9-167a)

- Application
 - Sets maximum number of members of any state or local board, commission, legislative body, committee or similar body, whether elective or appointive
 - Except any body whose members are elected wholly or partially on the basis of a geographical division of the state or political subdivision

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Minority Representation (9-167a)

- Majority Limitation
 - “Minority Representation” merely limits the number of seats that can be held by the majority party
 - Does NOT guarantee seats to any minority party
 - Once the majority party reaches its maximum number, the balance of the seats can be filled by people of any other affiliation: major party, minority party or unaffiliated

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Minority Representation (9-167a)

- Limitations

Majority Party	Maximum Number
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	2/3 of total membership

- Once a party hits its limit, highest vote getter with affiliation not majority party wins, even if he has fewer vote than next majority party member

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Minority Representation

- Special provisions for selectmen
 - Sec. 9-167a applies to selectmen, except:
 - If the board has 5 members the limitation is 3
 - For the purpose of minority representation, the board includes the first selectman, unless otherwise provided by special act or charter.

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Minority Representation

- Board of Education 9-204(a)
 - Unless otherwise provided by special act or charter,
 - when the number to be elected for the same term at any election is even, no elector shall vote for more than half that number
 - when the number to be elected for the same term at any election is odd, no elector shall vote for more than a bare majority of that number

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Minority Representation

- Board of Education 9-204(b)
 - If charter provides all of the following:
 - The board will be elected at one election for the same term, and
 - 9-167a is incorporated by reference to determine minority representation, and
 - does not how specify many members an elector can for
 - The number of candidates for which an elector can vote and the number a party can endorse is set at the limit set in the chart in sec. 9-167a(a)(1)

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Minority Representation (9-167a)

- Calculation of how many from a party can be elected at this election
 - From members of one party who are members body at the time of the election
 - Subtract number of members of such party whose terms expire prior to beginning of terms for which election is held
 - subtract the balance from the limit for 1 party

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Minority Representation (9-167a)

- Vacancy terms are filled before full term
 - Sometimes running a candidate for vacancy can cost party a full term seat
 - If party is 1 seat below limit and 1 vacancy term and all those terms continue beyond election 1 full term on ballot, since vacancy terms are filled first, winning the vacancy would keep party from winning full term

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Minority Representation (9-167a)

- Party affiliation
 - For the purposes of minority rep, a person shall be deemed to be member of the political party on whose enrollment list his name appears on the date of his nomination,
 - any person who has applied for erasure or from an enrollment list shall be considered a member of old party for a period of three months from the date of the filing of such application
 - any person whose candidacy for election to an office is solely as the candidate of a party other than his own shall be deemed to be a member of the party of which he is a candidate

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