

ELECTIONS DIVISION



NATALIE E. TENNANT
Secretary of State

BEST PRACTICES GUIDE TO CANVASS AND RECOUNT

Revised 3/15/2011

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Canvassing Primary, General, and Special Elections

What is the canvass?

Canvass is a proceeding required by law in which the materials, equipment, and results of an election are reviewed, corrected, and officially recorded prior to the certification of that election. The canvass is a public meeting.

Who is the Board of Canvassers?

- | | |
|---|--|
| 1. County elections | County Commission |
| 2. Statewide primary or general elections | County Commission |
| 3. Special elections ordered by the county commissions and held in conjunction with a statewide election using same precincts | County Commission |
| 4. Special levy or bond election ordered by Board of Education | County Commission & Board of Education |
| 5. Municipal primary, general, or special election NOT held in conjunction with any county or state election | Municipal governing body |
| 6. Municipal primary, general, or special election held in conjunction with any county or state election | County Commission |

NOTE: A quorum of the governing body constituting the board of canvassers must be present to conduct the canvass. If a quorum is not present at the start, the meeting will stand adjourned until the next day. The meeting may recess from time to time if a quorum is not present. If the canvass cannot be completed in one session, the meeting may adjourn, but for no longer than absolutely necessary. All procedures must be conducted under the supervision of a quorum of the board.

Who is the presiding officer at the canvass?

The presiding officer of the governing body

Who assists with the canvass?

- | | |
|--|--|
| 1. For canvasses conducted by the county commission | County Clerk |
| 2. For canvasses conducted by municipal governing body | Municipal Recorder |
| 3. For all canvasses | Any officer having custody of materials and equipment of the election. |

When is the canvass held?

Primary elections	The fifth day (not counting Sunday) after the election. If the fifth day falls on a Saturday, Sunday or legal holiday, the canvass begins on the next business day.
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General and Special elections	The fifth day (not counting Sunday) after the election. If the fifth day falls on a Saturday, Sunday or legal holiday, the canvass begins on the next business day.
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Where is the canvass held?

For a canvass conducted by the county commission or a joint canvass conducted by the county commission and board of education	County Courthouse - for paper and electronic voting systems
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For a canvass conducted by a municipal governing body	City Hall - for paper and electronic voting systems
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NOTE: The canvass is open to the public. However, only persons authorized to participate in the canvass may handle materials. At the end of the canvass all materials are to be re-sealed and secured.

Materials to be Used at Canvass

Please note: Each type of system in each county must also meet the requirements of a single unassisted voting machine in each precinct.

Electronic Voting Systems (Optical Scan and DRE)

1. Ballots
 - a. Voted
 - b. Provisional (Challenged)
 - c. Early and Absentee
 - i. Absentee ballots not counted after polls closed
 - ii. Applications for mail-in/faxed/email absentee ballots
 - iii. Poll slips used for early voting
 - iv. Precinct list of absentee and early voters
 - v. Military and overseas absentee records
 - d. Spoiled
 - e. Unused
2. Ballot Stubs and Poll Slips
3. Provisional Ballot Forms (where applicable)
4. Voter Verified Paper Record (paper rolls or OpScan ballots)
5. Poll Books and other official registration records
6. Tally Sheets for the hand count
7. Certificates and oaths for canvass workers
8. Statements of Ballots Used
9. Voting Devices / Terminals (where applicable)
10. Ballot Boxes (where applicable)
11. Tabulating Equipment
12. Computer Printout of Unofficial Returns
13. Any supplementary tabulation such as tally sheets of hand counted ballot with write-in votes prepared on election night
14. Official list of write-in candidates (if applicable)
15. List of ballots sent to each precinct --- including a list of actual ballot numbers (optical scan only)
16. Personalized Electronic Ballots (DRE only)
17. Flashcards
18. Unity Software

Paper Ballots

1. Ballots
 - a. Voted
 - b. Provisional (Challenged)
 - c. Early and Absentee
 - i. Absentee ballots not counted after polls closed
 - ii. Applications for mail-in/faxed absentee ballots
 - iii. Poll slips used for early voting
 - iv. Precinct list of absentee and early voters

- v. Military and overseas absentee records
- d. Spoiled
- e. Unused
- 2. Ballot and Poll Ticket Stubs
- 3. Poll Books and other official registration records
- 4. Tally Sheets for the hand count
- 5. Certificates and oaths for canvass workers
- 6. Statements of Ballots Used
- 7. Ballot Boxes
- 8. Precinct Return Certificates
- 9. Cumulative Returns
- 10. Official list of write-in candidates (if applicable)
- 11. List of ballots sent to each precinct --- including a list of actual ballot numbers

Conducting an Optical Scan/Paper Ballot Canvass

(Counties must also follow touchscreen procedures for each precinct in counties where touchscreens are used for ADA compliance.)

1. Call the meeting to order --- a quorum of canvassing board must be present.
2. Set the amount of bond for a recount. The bond amount cannot be greater than \$300.00.
3. Determine which precincts to hand count and begin to prepare the materials but do not start the hand count at this time. West Virginia law requires an accounting of the tabulating equipment used during the election. Five percent of the precincts in counties using electronic voting equipment must be hand counted to confirm the accuracy of the tabulating device.

If you have...	hand count...
a. 1 – 29 precincts	1 precinct
b. 30 – 49 precincts	2 precincts
c. 50 – 69 precincts	3 precincts
d. 70 – 89 precincts	4 precincts
e. 90 – 109 precincts	5 precincts
f. 110 – 129 precincts	6 precincts
g. 130 – 149 precincts	7 precincts
h. 150 – 169 precincts	8 precincts
i. 170 – 189 precincts	9 precincts

The Board of Canvassers determines which precincts to hand count by random selection held in an open meeting.

4. Have the materials for each precinct ready for the canvassing board. **NOTE: Handle only one precinct at a time. Finish all procedures for one precinct completely before starting the next. A precinct worksheet (found in the back of this booklet) should be completed for each precinct as each step is completed. File the information in the election record.**

5. Compare the number of cast election day ballots and absentee/early voting ballots as reported on the Statement of Ballot Used (SBU) and the Absentee/Early Voting Record (AEVR) with the number of ballots tabulated. Voted paper ballots must be counted manually for comparison. *If the totals are not equal, count the ballot stubs or review the printed reports. Compare them to the number of signatures found on the poll tickets, poll book, or absentee applications.*
6. Open the “spoiled ballot” envelope and count the number of “spoiled ballots.” Compare the number of spoiled ballots to the number reported on SBU and AEVR.
7. Open the “provisional ballot” envelope and count the number of “provisional ballots.” Compare the number of provisional ballots to the number reported on SBU and AEVR.
8. Determine the number of unused ballots, by reviewing the ballot stub numbers on the ballots.
9. Confirm that the total number of ballots received by the precinct equals the total of the ballots voted, the provisional ballots, the spoiled ballots and the unused ballots. If there is a discrepancy, the board of canvassers must make a determination of the difference and document their findings in the record of canvass.
10. Review the absentee ballots by mail received after Election Day that are to be counted. Absentee ballots are accepted if they are postmarked by the United States Postal Service no later than Election Day. Faxed/emailed ballots are not to be accepted if they are received after the polls have closed. If the ballot is returned by an express shipping service, it must be received by the day after the election. If an absentee ballot is from a MILITARY OR OVERSEAS voter, no postmark is required, but the ballot must be received before canvass starts.
11. Count the total number of absentee ballots. Place all absentee ballots that are to be counted in one stack. Place all absentee ballots not to be counted in the envelope for precinct.

Do not open the absentee ballots that are not counted.

12. Open all of the absentee ballots that are to be counted. Remove the outer envelope and stack the inner envelopes in a pile. Separate and shuffle the inner envelopes to maintain voter secrecy.
13. Open the envelopes and remove the ballots. Remove the ballot stub from each ballot and keep them separate from Election Day stubs. Set aside the ballots that have write-in votes to be tallied separately.
14. Tabulate each ballot and then continue with the write-in ballots. Once all ballots are tabulated, place the absentee ballots, stubs, and all other absentee material back in the precinct envelope. (This includes ballots that were not opened.) Document the number of absentee ballots in the record of canvass.
15. Review each provisional ballot. Determine if the provisional ballot is to be counted. (See the enclosed provisional ballot chart on page 13.)
16. There are two methods to make the motion concerning validity of a provisional ballot.
 - a. You can make the motion for each ballot separately; or
 - b. You can make the motion for two groups of provisional ballots: those to be counted and then those NOT to be counted.

17. Every effort should be made to maintain the secrecy of the provisional voter. Although, the information is accessible to the public, names of the provisional voters should NOT be announced during the canvass. **NOTE: WEST VIRGINIA LAW REQUIRES THAT PRIVACY OF PROVISIONAL BALLOTS MUST BE ENSURED.** If there is only one provisional ballot from a precinct to be counted, place it with ballots from another precinct in the same district and enter the total for that precinct, but make note in the record of canvass. **Provisional ballots that are NOT counted are NOT TO BE OPENED.** They are to remain sealed and maintained with other election materials.

18. Once the decision is made to count a ballot or group of ballots, open the outer envelope of the first provisional ballot. Mark the outer envelope and the front of the inner envelope with the number 1, continue with the other envelopes from that precinct in the same manner, marking them 2, 3, 4 etc. *Please note that the provisional ballots are marked and tracked pending any legal action.*

19. Shuffle the unopened inner envelopes. Open them one by one and remove the ballot. Number the back of the ballot to match the inner envelope. Check for write-in votes. Place the ballots with write-in votes in a stack to be reviewed following the same procedures as election night.

20. Tabulate the provisional ballots from each precinct separately. Add the votes to the original returns. Return the ballots to original inner envelopes only by matching the marked numbers.

21. Make an official record of the findings for each precinct, including the comparisons made, number of ballots cast, spoiled, unused, and provisional, etc. If there are any discrepancies, make a detailed note in the record of canvass for that precinct.

22. Keep a copy of the precinct report available for easy access as it may be needed to determine if ballots which do not have the required signatures may be counted. Ballots which do not contain the required poll clerk signatures may be counted if an accurate accounting is made for **all** ballots in the precinct in which the ballot was voted.

BEGIN THE HAND RECOUNT OF PRECINCTS

23. A quorum of the board of canvassers **must be present at all times.** If a quorum is not present at any time, the hand count must stop, prolonging the canvass. If commissioners need to leave, they should arrange with the other commissioners to ensure there is a quorum present at all times.

24. You can recess the hand count for breaks or lunch, but a quorum of the board must be present to begin again.

25. To perform the actual count, teams of four individuals work together after having taken a written oath to perform duties fairly. Two members read the votes cast on the ballot. The other two members separately record the votes. Tally sheets should be used for this process.

26. Enter results of hand count in the record of canvass. Compare the hand count tallies with tabulated results of the same precincts.

27. If there is a difference between the tabulated results for any office caused by a mechanical failure of the tabulating equipment, the board of canvassers must determine the error and take corrective measures in accordance with West Virginia Code §3-4A-29. Once that correction is complete, those precincts that were

affected by the error must be run through the equipment once again for final tabulation. All activities and issues must be entered in the board of canvassers' record.

28. If there is a difference or more than 1% between the tabulated results for all offices on all ballots (total votes cast) in a precinct and the hand count result in that precinct, **all** precincts must be **hand** counted.

29. Loaded the results into the Election Management Software. Follow the instructions for the utility program to forward the results to the Secretary of State's Office to be posted on the internet.

30. Reseal all precinct materials in the appropriate envelopes. Declare the results and report the date and time of the declaration to the Secretary of State (multi-county races only).

31. Enter results in the official record of canvass.

32. West Virginia law now requires the 48-hour recount request period to be uniform in a multi-county race (statewide, Senate, House, circuit and family court, Greater Huntington Parks and Recreation District). The 48-hour period does not begin until **after the last county affected** has declared the results. You cannot certify a race until after the 48-hour recount request period has ended. You can set and announce a date and time to certify the results keeping in mind that you may have to change that time based on when the recount request period legally ends for each race. *(See page 29 for further instructions on Certification.)*

33. Adjourn the board of canvassers.

33. Secure all election material for a minimum of 22 months following the election.

Conducting a Touch Screen Canvass

1. Call the meeting to order --- a quorum of the canvassing board must be present.
2. Set the amount of bond for a recount. The bond amount cannot be greater than \$300.00.
3. Determine which precincts to hand count and begin preparing the materials but do not start the hand count at this time. West Virginia law requires an accounting of the tabulating equipment used during the election. Five percent of the precincts in counties using electronic voting equipment must be hand counted to confirm the accuracy of the tabulating device.

If you have...	hand count...
a. 1 – 29 precincts	1 precinct
b. 30 – 49 precincts	2 precincts
c. 50 – 69 precincts	3 precincts
d. 70 – 89 precincts	4 precincts
e. 90 – 109 precincts	5 precincts
f. 110 – 129 precincts	6 precincts
g. 130 – 149 precincts	7 precincts
h. 150 – 169 precincts	8 precincts
i. 170 – 189 precincts	9 precincts

The Board of Canvassers determines which precincts to hand count by random selection held in an open meeting.

4. Place the materials for a precinct before you. ***NOTE: Handle only one precinct at a time. Start and finish one precinct before starting the next. A precinct worksheet, found in the back of this booklet, should be completed for each precinct as each step is completed. File this information in the election record.***
5. Print precinct reports using the Election Management Software that include a minimum number of ballots cast, number of spoiled ballots, and number of provisional ballots. Instructions to print each report are in the voting machine guide provided by the Secretary of State's Office.
6. Compare the number of cast election day ballots and absentee/early voting ballots entered on "Statement of Ballot Used" (SBU) and Absentee/Early Voting Record (AEVR) with the number of ballots tabulated. *If totals are not equal, review voter verified paper trail and printed reports. You should also compare them to the number of signatures found on the poll tickets, poll book, or absentee applications.*
7. Review the spoiled ballot numbers, provisional ballot numbers, and public count numbers as reported on the SBU to determine that they match the numbers as reported by the Election Management Software. If there is a discrepancy, the Board of Canvassers must make a determination of the difference and document their findings in the record of canvass.
8. Review the absentee ballots by mail received after Election Day that are to be counted. Absentee ballots are accepted if they are postmarked by the United States Postal Service no later than Election Day. Faxed/emailed ballots are not to be accepted if they are received after the polls have closed. If ballots are returned by express

shipping service, they must be received by the day after the election. If the absentee ballot is from a MILITARY OR OVERSEAS voter, no postmark is required, but the ballot must be received before canvass starts.

9. Count the total number of absentee ballots. Place all absentee ballots to be counted in one stack. Place all absentee ballots not to be counted in the envelope for the precinct.

Do not open the absentee ballots that are not counted.

10. Open all absentee ballots that are to be counted. Remove the outer envelope and stack the inner envelope in a pile to be counted. Separate the envelopes and shuffle the inner envelopes to maintain the secrecy of the ballot.

11. Open the envelopes one by one and remove the ballot from the envelope. Remove the ballot stub and keep it separate from Election Day stubs.

12. Ballots can be tabulated by entering them onto a designated touchscreen device and merging the results into the Election Management Software, or by manually entering the tallied results into the Election Management Software.

NOTE: If you are entering the ballots into the Election Management Software by hand, open the program and select “Update Election Results Manually” from the “Update Menu.” Then select the precinct number from the applicable list. A screen will appear to manually input the results. You can print a precinct number report from the software to confirm correct numbers.

13. Once you have tabulated all of the ballots, place the absentee ballots, stubs, and all other absentee material back in the original envelope. (This includes ballots that were not opened.) Enter number of absentee ballots in the record of canvass.

14. Review the provisional ballot sheets completed by the voter and poll workers on Election Day. Determine if each provisional ballot is to be counted. (See the enclosed provisional ballot chart on page 13.)

15. There are two methods to make the motion concerning validity of a provisional ballot.

- a. You can make the motion for each ballot separately; or
- b. You can make the motion for two groups of provisional ballots: those to be counted and then those NOT to be counted.

16. Every effort should be made to maintain the secrecy of the provisional voter. Although, the information is accessible to the public, names of the provisional voters should NOT be announced during the canvass. **NOTE: WEST VIRGINIA LAW REQUIRES THAT PRIVACY OF PROVISIONAL BALLOTS MUST BE ENSURED.**

17. Once the decision is made to count a ballot or group of ballots, use the Election Management Software to enter the provisional ballot number from each sheet within each respective precinct. Instructions on completing this process can be found in the “Canvassing Processes” section of the *Preparation through Canvass* manual for your voting equipment. The Election Management Software will automatically provide new results that include the provisional ballots.

The coded ballots can be found under the “Tabulator” menu on the software. Select “Process Coded Ballots,” and then choose the numbers of the ballots that coincide with the approved provisional ballots.

BEGIN THE HAND COUNT

18. A quorum of the board of canvassers **must be present at all times**. If a quorum is not present at any time, the hand count must stop, prolonging the canvass. If commissioners need to leave, they should arrange with the other commissioners to ensure there is a quorum present at all times.

19. You can recess the hand count for breaks or lunch, but a quorum of the board must be present to begin again.

20. To perform the actual count, teams of four individuals work together after having taken a written oath to perform duties fairly. Two members read the votes cast on the paper trail and the other two members separately record the votes on the tally sheets. ***This requirement must be met by removing each roll from the envelope and manually reviewing each vote. The results can only be certified after each roll is reviewed as it is unrolled.***

21. Enter the results of the hand count in the record of canvass. Compare the hand count tallies with tabulated results of the same precincts.

22. If there is a difference between the tabulated results for any office caused by a mechanical failure of the tabulating equipment, including a paper jam of the printer, the board of canvassers must determine the error and take corrective measures in accordance with West Virginia Code §3-4A-29. Therefore, if during the canvass, the board of canvassers comes across a paper jam that misconstrues the recorded votes, it will be necessary to print ballot images from the applicable flashcard(s) of each machine affected. These ballot images should be used in place of only the unreadable ballots.

Select the "Create Vote Image Log" from the "Tabulators" menu. (This can only be done after processing the coded ballots.) Once the log is created, select the "iVotronic DRE" from the "Tabulators" menu and then select "Print Vote Image Log."

23. Once the error has been corrected and the correct tabulation ascertained, all activities and issues must be entered in the record of the canvass.

24. If there is a difference or more than 1% between the tabulated results for all offices on all ballots (total votes cast) in a precinct and the hand count result in that precinct, **all** precincts must be **hand** counted.

25. Make an official record of the findings on each precinct, including the comparisons made, number of ballots cast, spoiled, unused, and provisional, etc. If there are any discrepancies, make a detailed note in the record of canvass for that precinct.

26. Keep a copy of the precinct report available for easy access as it may be needed to determine if the ballots which do not have the required signatures may be counted. Ballots which do not contain the required signatures may be counted if an accurate accounting is made for **all** ballots in the precinct in which the ballot was voted.

27. Reseal all precinct materials. Declare the results. *Reminder:* In accordance with West Virginia code §3-4A-28(a), during the seven days immediately after the canvass, "any candidate or the local chair of a political party may be permitted to examine any of the materials sealed: Provided that a notice of the time and place

of the examination is posted at the central counting center before or on the hour of nine o'clock in the morning on the day the examination is to occur..."

28. Enter results in the official record of canvass.

29. West Virginia law now requires the 48-hour recount request period to be uniform in a multi-county race (statewide, Senate, House, circuit and family court, Greater Huntington Parks and Recreation District). The 48-hour period does not begin until **after the last county affected** has declared the results. You cannot certify a race until after the 48-hour recount request period has ended. You can set and announce a date and time to certify the results keeping in mind that you may have to change that time based on when the recount request period legally ends for each race. *(See page 29 for further instructions on Certification.)*

28. Adjourn the board of canvassers.

29. Once the information is completely loaded into the Election Management Software, follow the instructions for the utility program to forward the results to the Secretary of State's Office to be post on the internet.

Canvassing Provisional Ballots Chart

(Chart based on provisions set forth in West Virginia Election law)

Situation	Explanation	Is Ballot Counted
A.	Voter is NOT a registered voter in your county	NO
B.	Voter had a name change. If voter meets all of the following... <ul style="list-style-type: none"> • is a registered voter of your county; • voted in precinct in which registered; • affirmed change with signature on poll ticket; and • has no other valid challenge. 	YES
C.	Voter moved within current precinct. If voter meets all of the following... <ul style="list-style-type: none"> • is registered in the precinct in which he/she voted; • has moved to an address which is also served by that precinct; • affirmed change with signature on poll ticket; and • has no other valid challenge 	YES
D.	Voter moved to address within county in a new precinct. If voter meets all of the following... <ul style="list-style-type: none"> • is a registered voter of your county; • voted in precinct for the new address; • affirmed change with signature on poll ticket; and • has no other valid challenge. 	YES
E.	Voter changed address in county and voted in precinct not serving new address. If voter... <ul style="list-style-type: none"> • voted in precinct which is NOT the precinct of the new address. 	NO
F.	Voter moved out-of-county but returned to your county to vote in precinct serving old address. If voter... <ul style="list-style-type: none"> • was a registered voter of your county as of the voter registration deadline for that election; • moved to new address out-of-county during the 30 days before the election; and • has no other valid challenge. 	YES
G. <i>Continued on next page</i>	Voter is handicapped and voted outside current precinct but within county. If voter... <ul style="list-style-type: none"> • is a registered voter in your county; and • is currently registered in a precinct that is NOT handicapped accessible. <p style="text-align: center;">- OR -</p>	YES -- but count only races and/or issues on the ballot in voter's correct precinct

	application contained false statements or declaration.	
P.	Voter was challenged by the clerk for voting an absentee ballot by mail more than 4 consecutive times as a result of being out of the county. (This does not apply to uniformed services or overseas citizens or their spouse or dependents living outside of the U.S. or a college student living outside of his or her home county.)	NO
Q.	An absentee voter's handwriting is not the same on his/her voter's registration card, ballot application, and absent voter's ballot envelope. <ul style="list-style-type: none"> Consider illness, age, disabilities, etc. when comparing the absentee ballot application and the absent voter's ballot envelope to the voter's registration card. 	Commission determines if signature is the same and acts accordingly.
R.	Signature on poll slip is not in the same handwriting as the signature on the registration card. <ul style="list-style-type: none"> Consider illness, age, disabilities, etc. when making this determination 	Commission determines if signature is the same and acts accordingly.
S.	Ballot does not contain proper signatures of poll clerks. (This includes election day, absentee and early voting ballots.)	YES - if all ballots in precinct can be accounted for
T.	Absentee envelope does NOT contain signature of voter.	NO
U.	Absentee envelope contains signature of voter but not across seal.	YES
V.	Voter has died after absentee ballot was cast. (Absentee ballot should not be challenged due only to death.)	YES
W.	Absentee ballot was mailed to clerk by voter from within county --- even though ballot was mailed to address outside of county.	YES
X.	Emergency absentee ballot was cast by a voter who has resided in a nursing home for MORE than 30 days.	NO

**TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE**

**SERIES 18
PROCEDURES FOR CANVASSING ELECTIONS
§153-18-1. General.**

1.1. Scope. -- This rule details procedures for the board of canvassers for canvassing the results of elections conducted with paper ballots or electronically tabulated ballots, including optical scan ballots.

1.2. Authority. -- W. Va. Code §3-1A-6.

1.3. Filing Date. -- May 7, 2007.

1.4. Effective Date. -- May 7, 2007.

§153-18-2. Definitions.

2.1. "Board of canvassers" or "board" means:

2.1.a. The county commission of each county for any statewide primary, general or special election held throughout the county, and for any other election conducted in conjunction with a statewide election using the same precincts and election officials;

2.1.b. The county commission of the affected county for any special election ordered by that Commission and held throughout all or part of that county, and for any other election conducted in conjunction with that county election using the same precincts and election officials;

2.1.c. The county commission and the board of education, jointly, for any special levy or bond election ordered by the board of education;

2.1.d. The municipal governing body for any primary, general or special election conducted by the municipal governing body entirely within the city and not held in conjunction with any county or state election.

2.2. "Canvass" means the proceeding required by law in which the materials, equipment and results of an election are reviewed, corrected and officially recorded prior to the certification of that election.

2.3. "Election" means any statewide primary, general or special election held under the provisions of the West Virginia Code throughout the state or any of its subdivisions.

2.4. "Electronically tabulated ballots" means ballots authorized under the provisions of W. Va. Code §3-4A et seq., including those ballots referred to as punch card and optical scan ballots, which are counted by means of electronic scanners or readers.

2.5. "Paper ballots" means ballots authorized under the provisions of W. Va. §3-1 et seq. Code which are counted by hand.

§153-18-3. Preparation.

3.1. The governing body constituting the board of canvassers shall schedule the canvass to begin on the

Friday immediately following a primary election, and on the fifth day, not counting Sunday, after a general election. If the fifth day falls on a Saturday or legal holiday, the canvass shall begin on the next business day.

3.1.a. For a canvass conducted by the county commission or a joint canvass conducted by the county commission and board of education, the canvass shall be held at the county courthouse; except that, for an election conducted with lever voting machines, the canvass shall be convened at the place of storage of the voting machines in order to perform the review required under section 7.

3.1.b. For a canvass conducted by a municipal governing body, the canvass shall be held at city hall.

3.2. A quorum of the governing body constituting the board of canvassers, or in the case of a joint board of canvassers as prescribed in 2.1.c., a quorum of each governing body, must be present to conduct the canvass.

3.2.a. If a quorum of the governing body, or each governing body, is not present, the meeting will stand adjourned until the next business day.

3.2.b. If the canvass cannot be completed in one day, the board of canvassers may adjourn until the next day, and so on from day to day until the canvass is completed and the results declared.

3.3. The board of canvassers may utilize regular or temporary personnel to assist with the canvass, but all procedures must be conducted under the supervision of a quorum of the board.

3.4. The presiding officer of the governing body shall act as the presiding officer of the board of canvassers.

3.5. The clerk of the county commission for canvasses conducted by the county commission, or the municipal clerk or recorder for canvasses conducted by the municipal governing body, shall assist the board of canvassers.

3.6. The officers having custody of the materials and equipment of the election shall bring it before the board at the proper time, as follows:

3.6.a. When paper ballots were used, the ballot boxes, all packages of voted, unused, spoiled and challenged ballots, the pollbooks, tally sheets, precinct return certificates, official registration records, and cumulative returns;

3.6.b. For canvasses of electronically tabulated ballot elections, the ballot boxes, all packages of tabulated, spoiled, challenged and any unused ballots, the pollbooks, official registration records, voting devices, tabulating equipment, and computer printouts of the unofficial tabulation of the ballots for each precinct and any supplementary tabulations such as tally sheets of hand counted ballots with write-in votes prepared on election night; and

§153-18-4. Order of Canvassing Procedures by Voting System.

4.1. For canvasses of elections conducted with paper ballots, the board of canvassers shall proceed with steps outlined in sections 5, 6, 9, 10 and 11, in that order.

4.2. For canvasses of elections conducted with electronically tabulated ballots, the board of canvassers shall proceed with steps outlined in sections 5, 6, 8, 9, 10 and 11, in that order.

4.3. For canvasses of elections conducted with lever voting machines, the board of canvassers shall proceed with steps outlined in sections 7, 5, 6, 9, 10 and 11, in that order.

§153-18-5. Receiving the Absentee Ballots for All Voting Systems.

5.1. The clerk responsible for absentee voting for the election shall deliver to the board of canvassers all absentee ballots, lists and other documentation as follows:

5.1.a. All absentee ballots postmarked on or before election day but received after delivery to the polls, along with the original applications and a precinct list of those ballots, to be delivered in packets labeled with the precinct number;

5.1.b. All absentee ballots challenged by the circuit clerk, along with the original applications and a precinct list of those ballots, to be delivered in packets by precinct; and

5.1.c. All absentee ballots not postmarked by election day and received after the polls are closed, along with the original applications and a list of those ballots, to be delivered in a single packet.

5.1.d. Certification by the clerk responsible for absentee voting that the voter registration records for each absentee voter have been examined and that all unchallenged absentee ballots were cast by voters properly registered.

5.2. The board of canvassers shall open the packet of absentee ballots with late or missing postmarks received after the polls have closed, as described in subdivision 5.1.c. The board shall then:

5.2.a. Examine each absentee envelope for the postmark;

5.2.b. Count and record in the record of the canvass the number of ballot envelopes found with a late or missing postmark, return the envelopes to the packet and hold them to be sealed after the precincts have been processed; and

5.2.c. Place any ballot envelopes found to contain a postmark dated on or before election day with the materials from the proper precinct to be processed utilizing the step procedures issued by the Secretary of State according to subsection 6.1.

§153-18-6. Canvassing Each Precinct.

6.1. At least once annually, and not less than 15 days before the first election held in that calendar year, the Secretary of State shall provide a step procedures manual for canvassing individual precincts to each governing body responsible for canvassing the returns of that election.

6.1.a. The manual shall include detailed descriptions of the steps required to verify the accuracy of the "Statement of Ballots Used", the steps required for processing absentee ballots as provided in subsections 5.1.a. and 5.2.c., and the steps required for determining the disposition of the challenged ballots.

6.1.b. The manual shall include worksheets for the board of canvassers to record the findings relating to each precinct and to enter the tallies of challenged or absentee ballots counted by the board of canvassers and added to the unofficial results.

6.2. In canvassing the precincts, the board of canvassers shall perform the step procedures and complete the worksheets for each precinct, considering one precinct at a time.

§153-18-8. Special Canvassing Procedures for Elections Conducted with Electronically Tabulated Ballots; Hand Counting Five Percent (5%) of Precincts.

8.1. The board of canvassers shall tally by hand the ballots of a number of precincts equal to five percent of the total number of precincts in the jurisdiction, not fewer than one precinct, and with fractions rounded to the nearest whole number, as in the following table.

When the total precincts equal:	Count the ballots of:
1 – 29	One precinct
30 - 49	Two precincts
50 – 69	Three precincts
70 - 89	Four precincts
90 - 109	Five precincts
110 - 129	Six precincts
130 - 149	Seven precincts
150 - 169	Eight precincts
170 - 189	Nine precincts

8.2. The board shall identify the precincts to be counted by random selection, such as by drawing, and may not arbitrarily select.

8.3. In order to reduce the potential for error, the tally should be made with two persons reading out the votes cast on each ballot, and two other should separately record the votes read.

8.4. After the hand count of each precinct is recorded, the board shall compare the recorded tallies with the tabulated results of the same precincts.

8.5. If the difference between the tabulated results of the randomly selected precincts and the hand counted results of the same ballots is more than 1% of the total votes cast, all precincts must be hand counted.

153-18-9. Declaring the Results.

9.1. After the canvassing procedures have been completed for all precincts, the board shall re-total the votes cast for each candidate and for or against every issue. The board shall then declare the resulting totals and enter each total into the record of the canvass.

9.2. The board shall also announce the place and time, which shall be scheduled at least forty-eight (48) hours after the declaration, of the meeting at which the results will be certified if no recount is requested, and shall then adjourn until that time.

§153-18-10. Certifying the Results.

10.1. If no recount is demanded according to the requirements of law, the board shall prepare duplicate certificates for a primary election for each office and each party, and for the general election for each office and ballot issue, with the total votes for each candidate or question entered in words and numbers on the certificates. In the general election, the certificates for federal, statewide, legislative and judicial offices shall be prepared in triplicate originals.

10.2. The board shall take official action to certify the results of the election, and each member of the canvassing board shall sign each certificate.

10.3. The board of canvassers shall transmit certificates for a primary election within thirty (30) days from the election, or within thirty (30) days from the completion of a recount if one is requested, as follows:

10.3.a. One of each original shall be filed with the election records of the county commission, or of the municipal governing board for a municipal primary election.

10.3.b. For candidates on the ballot only within the county, including single county districts, county offices and county executive committee, one of each original shall be filed with the clerk of the circuit court, and one copy of each shall be filed with the Secretary of State.

10.3.c. For candidates on the ballot in more than one county, one of each original shall be filed with the Secretary of State.

10.3.d. For issues on the ballot, one of each original shall be filed with the Secretary of State.

10.3.e. Upon request of the chairman of the political party executive committee of the county, a certificate showing the number of votes received by each of the candidates of the party in the county or any magisterial district therein.

10.3.f. For municipal elections, one of each original shall be filed with the municipal recorder or clerk.

10.4. The board of canvassers shall transmit certificates for a general election within thirty (30) days from the election, or within thirty (30) days from the completion of a recount if one is requested, as follows:

10.4.a. One of each original shall be filed with the election records of the county commission, or of the municipal governing board for a municipal primary election.

10.4.b. One certificate shall be mailed to each candidate voted for on the ballot.

10.4.c. For candidates for President and Vice President, United States Senator, United States House of Representatives, Justice of the Supreme Court of Appeals, and judge of circuit court shall be filed with the Governor, and one copy of each shall be filed with the Secretary of State.

10.4.d. For candidates for statewide office, except Justice of the Supreme Court of Appeals, and candidates for State Senate and House of Delegates, one of each original shall be filed with the Secretary of State.

10.4.e. For issues on the ballot, one of each original shall be filed with the Secretary of State.

§153-18-11. Preparing for a Recount.

11.1. If a recount is requested by any candidate, the board of canvassers shall proceed to certify the results for all offices and issues not subject to the recount request.

11.2. For any office in which a recount has been properly requested and a bond posted, the board shall immediately schedule a date for the recount to begin, which shall be no earlier than three days after the notices are served.

11.3. The board shall prepare the proper notices for the recount proceeding and make arrangements with the sheriff to serve the notices on each of the other candidates in the race in which the recount has been requested within twenty-four (24) hours following the meeting held for the purpose of certifying the election.

§3-4A-28. Post-election custody and inspection of vote recording devices; canvass and recounts.

(a) The vote recording devices, the ballot labels, ballot cards, program decks and standard validation test decks are to remain sealed during the canvass of the returns of the election except that the equipment may be opened for the canvass and must be resealed immediately thereafter. During a seven day period after the completion of the canvass, any candidate or the local chair of a political party may be permitted to examine any of the materials sealed: *Provided*, That a notice of the time and place of the examination is to be posted at the central counting center before and on the hour of nine o'clock in the morning on the day the examination is to occur, and all persons entitled to be present at the central counting center may, at their option, be present. Upon completion of the canvass and after a seven-day period has expired, the vote recording devices, the ballot labels, ballot cards, program decks and standard validation test decks are to be sealed for one year: *Provided, however*, That the vote recording devices and all tabulating equipment may be released for use in any other lawful election to be held more than ten days after the canvass is completed, and any of the electronic voting equipment herein discussed may be released for inspection or review by a request of a circuit court or the Supreme Court of Appeals.

(b) In canvassing the returns of the election, the board of canvassers shall examine all of the vote recording devices, the ballot labels, ballot cards the automatic tabulating equipment used in the election and those voter verified paper ballots generated by direct recording electronic vote machines as required by subsection (d) of this section, and shall determine the number of votes cast for each candidate and for and against each question and by this examination shall procure the correct returns and ascertain the true results of the election. Any candidate or his or her party representative may be present at the examination.

(c) If any candidate demands a recount of the votes cast at an election, the voter verified paper ballot shall be used for requested recounts, according to the same rules as are utilized in the original vote count pursuant to section twenty-seven of this article.

(d) During the canvass and any requested recount, at least five percent of the precincts are to be chosen at random and the voter verified paper ballots are to be counted manually. Whenever the vote total obtained from the manual count of the voter verified paper ballots for all votes cast in a randomly selected precinct:

(1) Differs by more than one percent from the automated vote tabulation equipment; or

(2) Results in a different prevailing candidate or outcome, either passage or defeat, of one or more ballot issues such precincts for any contest or ballot issue; then the discrepancies shall immediately be disclosed to the public and all of the voter-verified paper ballots shall be manually counted. In every case that there is a difference between the vote totals obtained from the automated vote tabulation equipment and the corresponding vote totals obtained from the manual count of the voter-verified paper ballots, the manual count of the voter-verified paper ballots shall be the vote of record.

Recount Process

Time-Line for Recounts

A. The declaration of results occurs at the completion of canvass. The announcement of the recount period and bond requirement must occur at that time. The board of canvassers sets the amount of bond for a recount “in a reasonable amount with good sufficient surety” but not to exceed three-hundred dollars (\$300.00). The recount bond amount shall be determined during the canvass procedures before any recount request is received.

(§3-6-9(h))

B. The declaration starts a 48-hour countdown after the last county has certified their results in a multi-county election, during which time a candidate or eligible person may request a recount. The 48-hour period begins when the last county involved in a race has declared the results. Each county **must** notify the Secretary of State that they have declared their results. Saturdays, Sundays and legal holidays are excluded when computing the 48-hour period.

C. At the end of the 48-hour period: (**NOTE:** This could be different dates and times for different races.)

- All election races and questions in which a recount has not been requested must be certified at the end of the 48-hour recount request period.
- If there is a recount request, the end of the 48-hour period starts a new 48-hour notification period. Within this 48-hour period, an official notice of the date, time and locations of the recount is served to persons involved.

D. Within 24 hours after the notice of recount is served, the person served with the notice has the opportunity to notify the board (in writing) that they intend to preserve their right to demand a recount of precincts not requested in the original recount request and pay the same bond.

E. The date for a recount shall be set by the board of canvassers can be no sooner than three (3) days after the notice of recount is served to the persons involved.

Requesting a Recount

The recount request must be received in writing by the county clerk or municipal recorder within the 48-hour period.

Remember that, in a multi-county race, the 48-hour period begins after the last county has declared their results.

*The person requesting a recount for an elected office must be a **candidate** for that same elected office.*

*The person requesting a recount for a special issue election must be a **voter** of the jurisdiction of the election or the governing board.*

The written **request for a recount** must include:

1. The name of the person or governing board requesting a recount;
2. The office or issue to be recounted;
3. All the precinct to be hand recounted;
4. If it is an issue, the voter's name and address; and
5. The bond as required. (The bond may be a cash, personal property; or other bond.)

Important: If the candidate filing the request specifies only specific precincts to be recounted, that candidate cannot afterwards add other precincts to the list to be recounted. **In electronically tabulated counties, if a candidate does not specify precincts, and requests the entire county, then the 5% recount method will be used. If specific precincts are recounted, then each precinct has to be hand counted including paper rolls from touch screen machines.**

Upon receipt of the recount request the county clerk/municipal recorder must give notice to the candidates who filed for the same elected office as the one in which the recount has been requested or the governing body that officially requested the special issues election in which a recount has been requested within 48 hours. For recount requests of a special issues election, the notice of recount shall also be posted on the door of the office where the recount is to be held.

Other candidates involved in the recounted race have the opportunity to reserve the right to continue the recount. The candidate who wants to reserve this right must respond to the recount notice within 24 hours and has to post the same bond. This option is also available in issue recounts.

The request to preserve the right to recount has to be filed in writing to the county clerk/municipal recorder who presents the request to the board. The request to preserve the right to recount must state the following:

1. The name of the candidate(s), eligible person, or governing board filing the request to preserve the right to recount;
2. The intention to preserve the right to request the recount of precincts not originally requested;
3. Or to continue the recount should the initiating person stop the recount.

The candidate(s), eligible person, or the governing board filing the request to preserve the right to recount must pay bond in the same amount as the bond required of the original candidate or eligible person requesting the recount.

Notification of Recount

The recount notice has to be served in the 48-hour period beginning at the end of the 48 hours following the declaration of the election results given at the end of the canvass.

The recount notice must state:

- the date of the recount;
- the time of the recount;
- the place of the recount; and,
- the information in the original recount request.

The recount notice must be delivered by the sheriff of the county or the sheriff's designee. In a municipality, it must be delivered by the appropriate municipal police officer. The recount notice has to be delivered to the candidate in person or to the members of the governing board that officially requested a special issue election in person. The sheriff or the sheriff's designee or municipal police officer who delivers the notice must record how, to whom and the time each notice is delivered.

If a candidate or board member cannot be found, the notice may be given to the spouse of the candidate or board member, or to some other family member over the age of 16. If the notice is given to a person other than the candidate or board member, the sheriff or the sheriff's designee must inform the person receiving the notice of its purpose and meaning. If no one can be found to receive the notice, it must be posted on the front door of the usual place of residence of the candidate or board member.

If the candidate or board member does not have a usual place of residence in the county where the recount notice is being served, the recount notice must be delivered to the sheriff of the county in which the candidate or board member does have a usual place of residence. The sheriff of that county serves the recount notice in the same manner as discussed above.

If a sheriff or municipal police officer fails to make the recount notice delivery, he is penalized twenty dollars (\$20.00).

Preparation

The recount shall take place in the county courthouse for a county election or the town hall for a municipal election.

After receiving a recount notice, the board immediately schedules a date for the recount to begin. This date can be no earlier than three (3) days after the recount notice is served.

The board prepares the proper recount notices and has them served on each of the other candidates in the race in which the recount has been requested or to the governing board that officially requested the special issue election in which the recount has been requested. The board must also post the notice on the door of the place where the recount is to be held.

The county commission oversees the recount in the case of a county or statewide election. The county commission jointly oversees the recount with a governing board for a special issue election, and the municipal governing body for a municipal election. All procedures must be conducted under the supervision of a quorum of the board.

A member of the board can still serve on the board even if the recount is for his/her office. For example, if there is a recount in a race for County Commissioner and the sitting commissioner was running for reelection, he/she still serves in a supervisory role during the recount. *Supervising* and *Assisting* are two different roles in the recount. However, if the election goes to a contest, that individual MUST recuse himself/herself.

Others who may assist in a recount:

- County Clerk/Municipal Recorder
- County Clerk/Municipal Recorder staff
- Others hired to assist with recount

Those who may **NOT** assist in a recount:

- Candidate of office involved in recount
- Immediate family of candidate of office involved in recount
- Member of governing board which requested a special issue election
- Any member of a board member's immediate family which requested a recount
- Any voter that requested the recount of a special election or his immediate family

The recount teams consist of four (4) people – two (2) to count and two (2) to tally. Each team of two must be of opposite political parties. Acceptable pairings include the following:

- Republican/Democrat
- Republican/Mountain
- Democrat/Mountain
- Republican/Independent or no party
- Democrat/Independent or no party
- Mountain/Independent or no party

Everyone working in the recount proceedings must be deputized in writing and take an oath that they will faithfully perform their duties.

Recount Materials

1. What materials are used in a recount?

Electronic Voting Systems (Optical Scan and DRE)

1. Ballots
 - a. Voted
 - b. Provisional (Challenged)
 - c. Early and Absentee
 - i. Absentee ballots not counted after polls closed
 - ii. Applications for mail-in/faxed absentee ballots
 - iii. Poll slips used for early voting
 - iv. Precinct list of absentee and early voters
 - v. Military and overseas absentee material
 - d. Spoiled
 - e. Unused
2. Ballot Stubs and Poll Slips
3. Provisional Ballot Forms (where applicable)
4. Voter Verified Paper Record (DRE only)
5. Poll Books and other official registration records
6. Tally Sheets for the hand count
7. Certificates and oaths for those participating
8. Statements of Ballots Used

9. Voting Devices / Terminals (where applicable)
10. Ballot Boxes (where applicable)
11. Tabulating Equipment
12. Computer Printout of Unofficial Returns
13. Any supplementary tabulations such as tally sheets of hand counted ballot with write-in votes prepared on election night
14. Official list of write-in candidates (if applicable)
15. List of ballots sent to each precinct --- including a list of actual ballot numbers (optical scan)
16. Personalized Electronic Ballots (DRE)
17. Flashcards
18. Unity Software

Paper Ballots

1. Ballots
 - a. Voted
 - b. Provisional (Challenged)
 - c. Early and Absentee
 - i. Absentee ballots not counted after polls closed
 - ii. Applications for mail-in/faxed absentee ballots
 - iii. Poll slips used for early voting
 - iv. Precinct list of absentee and early voters
 - v. Military and overseas absentee material
 - d. Spoiled
 - e. Unused
2. Ballot and Poll Ticket Stubs
3. Poll Books and other official registration records
4. Tally sheets for the hand count
5. Certificates and oaths for those participating
6. Statements of Ballots Used
7. Ballot Boxes
8. Precinct return certificates
9. Cumulative Returns
10. Official list of write-in candidates (if applicable)
11. List of ballots sent to each precinct --- including a list of actual ballot numbers

Conducting the Recount

A quorum of the board of canvassers, or in the case of a joint board of canvassers, a quorum of each governing body, must be present at all times during the recount of the ballots and the recount is conducted under their supervision. If a quorum of the governing body(s) is not present, the recount is recessed until a quorum is present or stands adjourned until the next business day.

The presiding officer of the governing body acts as the presiding officer of the board. In the case of a joint board of canvassers of the county commission and the governing board of a special issue election, the presiding officer of the county commission acts as the presiding officer of the board.

Before starting the recount, the board determines the order in which the precincts will be recounted, either by random drawing or using a sequential order beginning with the lowest number and continuing to the highest number. The determined order should meet with the agreement of the parties to the recount or their designated representatives.

At the appropriate time, the paper ballots, the electronically tabulated ballots, the paper rolls and the record of the tally of votes for all election precincts are brought before the board.

Only the board, the clerks, the employees of the clerk and persons specifically employed to assist in the recount can handle election materials. **NO ONE ELSE** is permitted to touch the election materials at any time.

Everyone who has requested the recount or preserved the right to continue the recount (or an officially designated representative) and a reasonable number of the general public are allowed to attend and observe the recount. The board needs hold the recount in a room of sufficient size and satisfactory arrangement to permit observation.

The official representative of a candidate or eligible person must have a written and signed statement from the candidate, voter or governing board member designating him or her as the official representative. The name of the representative must be included in the statement. Each candidate or eligible person may appoint only one official representative to act for him or her.

The candidates, voter or governing board (or official representatives) have the right to observe the recount proceeding, including observing each ballot as it is read in a hand count process. They may view and examine the tally sheets and ballots, but may not handle the election material. If you have a way to project the ballot images onto a monitor, screen or wall so that it can be easily seen by anyone observing the recount, it will help eliminate the need for candidates, etc., to be watching over the shoulders of the recount teams.

The candidate (or his or her representative) or eligible person (or his or her representative) has the right to question any ballot during the recount. If a ballot is questioned, the deputized team (all 4 members) has to reexamine that ballot and vote on the voter's intent on that ballot. If a majority of the deputized team cannot agree on the intent of the voter's markings on a ballot, it remains questioned and the votes for that ballot are not recorded.

Any ballot that is questioned needs to be marked to provide for its identification at any future contest of the election. The ballots can be marked in numerical or alphabetical order, or they can be tracked by the candidate questioning the ballot plus a number (ex: Smith 1, Jones 1, Smith 2, etc.).

The evidence considered at a recount is only what can be viewed on the election material as it exists or from relevant evidence from the election commissioners, poll clerks or other persons present at the election. The board may not consider extraneous evidence.

Numerous court cases have determined that it is inappropriate for additional evidence to be presented during the recount. Only evidence presented during the canvass can be considered.

When ballots are being counted by hand, one of the deputized teams reads the ballots together. The votes are read aloud so that the deputized team that is recording the vote can hear. Each member of the recording

team marks separate tally sheets. The recording team should compare their vote count on a scheduled basis (as an example, after every 20 ballots) in order to catch errors.

Keep in mind that during a recount in which the candidates have specified precincts, all ballots are to be hand tabulated. This includes all paper rolls from the electronic touch screens. If no precincts are specified, then the 5% recount procedures from canvass are in place (only for electronically tabulated ballots). If your random drawing brings up one or more of the same precincts that were hand-counted at canvass, that/those precinct/s must be counted by hand again.

If a recount has been requested in more than one elected office or special issue, each deputized team may handle only one elected office or special issue recount proceeding at a time. The team works with its elected office or special issue recount (one precinct at a time) until that recount is completed. After a recount of a particular elected office or special issue is completed, the teams that worked with the completed recount can be assigned to work with a recount of another elected office or special issue.

Each team works with only one precinct at a time. The precinct materials cannot be mixed. If more than one team is required to efficiently complete the recount, it is imperative that the teams are made up of the appropriate party affiliations (see page 25). The canvassing board should determine the number of teams required in advance to allow for time to assemble the appropriate individuals. State law does not limit the number of teams that can be utilized, this is important when dealing with a county wide recount.

The challenged ballots of each precinct are handled the same way they were during the canvass. The same procedures shall be in place to maintain the secrecy of the ballots and to preserve them for any future contest.

Each precinct can only be recounted one time. However, if after recounting a precinct, the results do not match the canvass results, the ballots and tallies can be checked at that time in order to discover any error in reading the ballots or marking and computing the tally figures.

The candidate or eligible person who requested the recount has the right to stop the recount at the conclusion of any precinct by withdrawing his or her request. When that happens, the candidate(s), eligible person or governing board that has preserved the right to continue may exercise that right.

The costs of the recount are paid by the candidate or voter asking for the recount, as long as it continues at his or her request. However, if the outcome of the election is reversed at the conclusion of the recount, costs shall not be assessed.

For example, Candidate Smith asks for a recount and the result changes after 2 so he stops the recount. Because the result changed, Candidate Smith is not charged for the recount. Candidate Jones had reserved the right to continue the recount and exercises that right. After 4 more precincts are recounted, the result changes again. Candidate Jones stops the recount and also owes nothing because, again, the result changed. Candidate Smith cannot restart the recount because he already stopped it.

The recount is not complete until the board puts the ballots in a sealed package and signs across the seal. The sealed packages are kept by the county clerk or municipal recorder. When the recount is complete, the board takes official action to certify the result of the election as it is determined by the recount.

Certifying the Results

The board has 30 days from the date of the election to transmit the Certificate of Results of the election to the Secretary of State. There are different places to send the certificates depending on what office is involved. Refer to the chart below to determine where to send the certificates.

<u>Office</u>	<u>Originals</u>	<u>Copies</u>
Federal Offices	County Clerk/Governor	Secretary of State
Governor	County Clerk/Secretary of State	
Supreme Court Justice	County Clerk/Governor	Secretary of State
State Senate	County Clerk/Secretary of State	
House of Delegates	County Clerk/Secretary of State	
Circuit Court Judge	County Clerk/Governor	Secretary of State
Family Court Judge	County Clerk/Governor	Secretary of State
State Executive Committee	*County Clerk/Secretary of State	
County Executive Committee	County Clerk/Secretary of State	
Congressional Executive Comm.	County Clerk/Secretary of State	
Senatorial Executive Comm.	County Clerk/Secretary of State	
Delegate Executive Comm.	County Clerk	Secretary of State
County Commission	County Clerk	Secretary of State
Board of Education	County Clerk/Board of Educations	Secretary of State
Greater Huntington Parks	County Clerk	Secretary of State
Conservation District Supervisor	County Clerk	

*WV Code §3-1-9 requires the certificate of announcement for county executive committee to be sent to the Secretary of State's Office in addition to the certificate of results.

Worksheets & Forms

RECOUNT RESULTS WORKSHEET

_____ County

Candidate/Registered Voter Requesting Recount: _____

Office or Issue Subject to Recount: _____

Recount Request Date: __/__/__ Recount Notice Date: __/__/__

Recount Start Date: __/__/__ Recount End Date: __/__/__

Precincts Canvass Recount Recounted Results

No. _____

No. _____

No. _____

No. _____

No. _____

No. _____

No. _____

No. _____

No. _____

No. _____

No. _____

No. _____

No. _____

page ____ of ____

RECOUNT CERTIFICATION WORKSHEET

_____ County

We the undersigned certify that to the best of our knowledge and belief, the results of this recount are true and correct as recorded this _____ day of _____, 20_____

Signature and Title Signature and Title

Signature and Title Signature and Title

Signature and Title Signature and Title

Signature and Title Signature and Title

Signature and Title Signature and Title

Signature and Title Signature and Title

OPTICAL SCAN/PAPER PRECINCT CANVASSING WORKSHEET

This worksheet follows the steps found under "Performing an Optical Scan/Paper Ballot Canvass."

PRIMARY/GENERAL/SPECIAL ELECTION

Precinct # _____ District _____

Precinct Ballots Tabulated

Number of Election Day ballots cast: _____

Number of early voting ballots cast: + _____

Number of absentee ballots cast: + _____

Total Number of Ballots Tabulated: = _____

Total Number of Ballots Tabulated should equal the total of all ballots cast for that precinct.

Election Day Ballot Verification

Only use Election Day ballots for each calculation

Number of ballots cast: _____

Number of spoiled ballots: + _____

Number of provisional ballots: + _____

Number of unused ballots: + _____

Total Number of Ballots: = _____

Total Number of Ballots should equal the total number of ballots sent to precinct. This should be documented on the supply receipt and report on file with the County Clerk.

Precinct Ballots Counted at Canvass

Total Number of Absentee Ballots received after Election Day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precincts: _____

Primary Only: Democratic Ballots: _____

Republican Ballots: _____

Mountain Ballots: _____

Non-Partisan Ballots: _____

Total Number of Provisional Ballots counted at canvass: _____

Primary Only: Democratic Ballots: _____

Republican Ballots: _____

Mountain Ballots: _____

Non-Partisan Ballots: _____

Reminder: Attach Findings of Board of Canvassers to be Placed in Record of Canvass

**TOUCH SCREEN DEVICE
PRECINCT CANVASSING WORKSHEET**

This worksheet follows the steps found under "Performing an Optical Scan/Paper Ballot Canvass."

_____ **PRIMARY/GENERAL/SPECIAL ELECTION**

Precinct # _____ District _____

Ballots cast (Utilize Public Count): _____

Number of Early Voting ballots cast: + _____

Number of Absentee ballots cast: + _____

Total Number of Ballots Tabulated: = _____

Total Number of Ballots Tabulated should equal the total of all ballots cast for that precinct.

Total Number of Spoiled Ballots and Provisional Ballots reported on the Election Management Software should equal the numbers reported by the poll workers.

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precincts: _____

<i>Primary Only:</i>	<i>Democratic Ballots:</i>	_____
	<i>Republican Ballots:</i>	_____
	<i>Mountain Ballots:</i>	_____
	<i>Non-Partisan Ballots:</i>	_____

Total Number of Provisional Ballots counted at canvass: _____

<i>Primary Only:</i>	<i>Democratic Ballots:</i>	_____
	<i>Republican Ballots:</i>	_____
	<i>Mountain Ballots:</i>	_____
	<i>Non-Partisan Ballots:</i>	_____

Findings of Board of Canvassers: *(Attach additional sheets if necessary.)*

BALLOTS CAST AND COUNTED _____ PRIMARY ELECTION

(to be completed at the end of canvass)

COUNTY OF _____

Type Of Ballot	Number of Ballots <small>(include ALL DRE, Absentee & Provisional Ballots)</small> <small>*will equal # of poll slips signed</small>	– (minus)	Number of Provisional Ballots NOT Counted	= (Equals)	Total Number of Ballots Counted
Democrat		-		=	
Republican		-		=	
Mountain		-		=	
Non-Partisan <small>(person who voted non-partisan ballot only)</small>		-		=	
Total		-		=	

Send copy of Ballots Cast & Counted to Secretary of State upon declaration of election results.

Provisional Ballot Categories:	Not Counted	Counted	Total
Not Registered:	_____	_____	_____
Wrong Precinct:	_____	_____	_____
No Signature:	_____	_____	_____
Other:	_____	_____	_____
 Total # of Provisional Ballots:	_____		
 Total # of Early Voted Ballots:	_____		
 Total # of Absentee Ballots:	_____		
 Total # of Absentee by Fax/Email:	_____		

BALLOTS CAST AND COUNTED

GENERAL/SPECIAL ELECTION

(to be completed at the end of canvass)

COUNTY OF _____

	Number of Ballots Voted (include ALL DRE, Absentee & Provisional Ballots) <small>*will equal # of poll slips signed</small>	- (minus)	Provisional Ballots NOT Counted	= (equals)	Counted Total Ballots
Total Ballots		-		=	

Send copy of Ballots Cast & Counted to Secretary of State upon declaration of election results.

Provisional Ballot Categories:	Not Counted	Counted	Total
Not Registered:	_____	_____	_____
Wrong Precinct:	_____	_____	_____
No Signature:	_____	_____	_____
Other:	_____	_____	_____
Total # of Provisional Ballots	_____		
Total # of Early Voted Ballots	_____		
Total # of Absentee Ballots	_____		
Total # of Absentee by Fax/Email	_____		

**Statement of Ballots Used
Paper Ballots with DRE Device**

_____ General/Special Election

Time Polls Open: _____ Precinct: _____ Time Polls Closed: _____

Total # of Paper Rolls Used _____
(Removed from DRE)

Total # of Ballots Received: _____
(# on receipt in wrapped package of ballots)

I. Paper Ballots Used

Total Strung Ballot Stubs:	_____
Plus Total # of Provisional Ballots:	+ _____
Plus Total # of Spoiled Ballots:	+ _____
Equals Total Ballots Used:	_____

II. Total Paper Ballots Received

Total Ballots Used (<i>from above</i>)	_____
Plus Total Ballots Unused	+ _____
Equals Total Ballots Received (<i>compare to above</i>)	_____

III. DRE Terminals

Terminal Serial Number:	Public Count (opening- <i>must be zero</i>)	Public Count (end of day)
-------------------------	---	------------------------------

_____	_____	_____
-------	-------	-------

Total of Public Count (Ballots Cast on DRE)

IV. Total Ballots Cast

Total Strung Ballot Stubs: _____

Plus Total Public Count on DRE: + _____

Equals Total Ballots Cast: _____

V. Absentee and Early Ballots Counted

Total Absentee Paper Ballots by
Mail Received & Counted: _____

Plus Total Early Voted Ballots
Received & Counted: + _____

Equals Total Absentee & Early Voted
Ballots Received & Counted: _____

VI. Total Ballots Counted

Total Absentee & Early Voted Ballots Counted _____

Plus Total Election Day Paper Ballots Counted + _____

Plus Total of DRE Public Count _____

Equals Total Ballots Cast in Precinct _____

Signatures of Officials:

Poll Clerk: _____ Poll Clerk: _____

Commissioner: _____ Commissioner: _____

Commissioner: _____ Counting Board: _____

Counting Board: _____ Counting Board: _____

Counting Board: _____ Counting Board: _____

Statement of Ballots Used Optical Scan Ballots with DRE Device

_____ General/Special Election

Time Polls Open: _____ Precinct: _____ Time Polls Closed: _____

Total # of Paper Rolls Used _____
(Removed from DRE)

Total # of Ballots Received: _____
(# on receipt in wrapped package of ballots)

I. Optical Scan Ballots Used

Total Strung Ballot Stubs:	_____
Plus Total # of Provisional Ballots:	+ _____
Plus Total # of Spoiled Ballots:	+ _____
Equals Total Ballots Used:	_____

II. Total Optical Scan Ballots Received

Total Ballots Used (<i>from above</i>)	_____
Plus Total Ballots Unused	+ _____
Equals Total Ballots Received (<i>compare to above</i>)	_____

III. DRE Terminals

Terminal Serial	Number: Public (opening- <i>must be zero</i>)	Count Public Count (end of day)
Total of Public Count (Ballots Cast on DRE)		_____

IV. Total Ballots Cast

Total Opt. Scan Ballot Stubs: _____

Plus Total Public Count on DRE: + _____

Equals Total Ballots Cast: _____

Signatures of Officials:

Poll Clerk: _____ Poll Clerk: _____

Commissioner: _____ Commissioner: _____

Commissioner: _____

**Statement of Ballots Used
Optical Scan Ballots with AutoMark Device**

_____ General/Special Election

Time Polls **Open:** _____ **Precinct:** _____ **Time Polls Closed:** _____

Total # of Ballots Received: _____
(# on receipt in wrapped package of ballots)

I. Optical Scan Ballots Used

Total Strung Ballot Stubs:	_____
Plus Total # of Provisional Ballots:	+ _____
Plus Total # of Spoiled Ballots:	+ _____
Equals Total Ballots Used:	_____

II. Total Ballots Cast

Total # of Poll Slips Signed (*poll book*): _____

Total # of Ballots Cast Should Equal Total of All Ballot Stubs Strung

II. Total Optical Scan Ballots Received

Total Ballots Used (<i>from above</i>)	_____
Plus Total Ballots Unused	+ _____
Equals Total Ballots Received (<i>Should Equal Total Received From Above</i>)	_____

Signatures of Officials:

Poll Clerk: _____ Poll Clerk: _____

Commissioner: _____ Commissioner: _____

Commissioner: _____

Statement of Ballots Used DRE (Touchscreen)

_____ General Election

Time Polls Open: _____ Precinct: _____ Time Polls Closed: _____

Total # of Paper Rolls Used _____
(Removed from DRE)

I. Total Ballots Cast

Total Poll Slip Stubs: _____

Plus Total # of Provisional Ballots: + _____

Minus Total # Cancelled Ballots **NOT Re-Voted**: - _____

Equals Total Ballots Cast: _____

Total Ballots Cast (Add Dem., Rep., and Nonpartisan Ballots Cast): _____

II. DRE Terminals

Terminal Serial Number:	Public Count (opening- <i>must be zero</i>)	Public Count (end of day)
-------------------------	---	------------------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total of Public Count (Add Each Public Count) _____

****Note: Total Public Count and Total Ballots Cast Should Equal****

Signatures of Officials:

Poll Clerk: _____ Poll Clerk: _____

Commissioner: _____ Commissioner: _____

Commissioner: _____

**Statement of Ballots Used
Paper Ballots with DRE
_____ Primary Election**

Time Polls Open: _____ **Precinct:** _____ **Time Polls Closed:** _____

Total # of Paper Rolls Used _____
(Removed from DRE)

<u>Democrat Ballots</u>	<u>Republican Ballots</u>	<u>Mountain Ballots</u>	<u>Nonpartisan Ballots</u>
-----------------------------	-------------------------------	-----------------------------	--------------------------------

Total # of Ballots Received: _____
(# on receipt in wrapped package of ballots)

I. Paper Ballots Used

Total Strung Ballot Stubs:	_____	_____	_____	_____
Plus Total # of Provisional Ballots:	+ _____	+ _____	+ _____	+ _____
Plus Total # of Spoiled Ballots:	+ _____	+ _____	+ _____	+ _____
Equals Total Ballots Used:	_____	_____	_____	_____

II. Total Paper Ballots Received

Total Ballots Used (<i>from above</i>)	_____	_____	_____	_____
Plus Total Ballots Unused	+ _____	+ _____	+ _____	+ _____
Equals Total Ballots Received (<i>compare to above</i>)	_____	_____	_____	_____

III. DRE Terminals

Terminal Serial Number:	Public Count (opening- <i>must be zero</i>)	Public Count (end of day)
_____	_____	_____
Total of Public Count (Ballots Cast on DRE)		_____

IV. Total Ballots Cast

Total Strung Ballot Stubs: _____

Total Paper Ballots Cast (Add Dem., Rep., Mtn., and Nonpart. Ballots Stubs): _____

Plus Total Public Count on DRE: + _____

Equals Total Ballots Cast: _____

V. Absentee and Early Ballots Counted

Total Absentee Paper Ballots by
Mail Received & Counted: _____

Plus Total Early Voted Ballots
Received & Counted: + _____ + _____ + _____ + _____

Equal Total Absentee & Early Voted
Ballots Received & Counted: _____

VI. Total Ballots Counted

Total Absentee & Early Voted Ballots Counted _____

Plus Total Election Day Paper Ballots Counted + _____

Plus Total of DRE Public Count _____

Equals Total Ballots Cast in Precinct _____

Signatures of Officials:

Poll Clerk: _____ Poll Clerk: _____

Commissioner: _____ Commissioner: _____

Commissioner: _____ Counting Board: _____

Counting Board: _____ Counting Board: _____

Counting Board: _____ Counting Board: _____

Statement of Ballots Used
Optical Scan Ballots with DRE
 _____ Primary Election

Time Polls **Open:** _____ **Precinct:** _____ **Time Polls Closed:** _____

Total # of Paper Rolls Used _____
 (Removed from DRE)

Democrat Ballots	Republican Ballots	Mountain Ballots	Nonpartisan Ballots
---------------------	-----------------------	---------------------	------------------------

Total # of Ballots Received: _____
 (# on receipt in wrapped package of ballots)

I. Optical Scan Ballots Used

Total Strung Ballot Stubs:	_____	_____	_____	_____
Plus Total # of Provisional Ballots:	+ _____	+ _____	+ _____	+ _____
Plus Total # of Spoiled Ballots:	+ _____	+ _____	+ _____	+ _____
Equals Total Ballots Used:	_____	_____	_____	_____

II. Total Optical Scan Ballots Received

Total Ballots Used (<i>from above</i>)	_____	_____	_____	_____
Plus Total Ballots Unused	+ _____	+ _____	+ _____	+ _____
Equals Total Ballots Received (<i>compare to above</i>)	_____	_____	_____	_____

III. DRE Terminals

Terminal Serial Number:	Public Count (opening- <i>must be zero</i>)	Public Count (end of day)
_____	_____	_____
Total of Public Count (Ballots Cast on DRE)		_____

IV. Total Ballots Cast

Total Strung Ballot Stubs: _____

Total Paper Ballots Cast (Add Dem., Rep., Mtn., and Nonpart. Ballots Stubs): _____

Plus Total Public Count on DRE: + _____

Equals Total Ballots Cast: _____

Signatures of Officials:

Poll Clerk: _____ Poll Clerk: _____

Commissioner: _____ Commissioner: _____

Commissioner: _____

Statement of Ballots Used Optical Scan Ballots with AutoMark

_____ Primary Election
 Time Polls Open: _____ Precinct: _____ Time Polls Closed: _____

Democrat Ballots	Republican Ballots	Mountain Ballots	Nonpartisan Ballots
---------------------	-----------------------	---------------------	------------------------

Total # of Ballots Received: (# on receipt in wrapped package of ballots)	_____	_____	_____	_____
--	-------	-------	-------	-------

I. Optical Scan Ballots Used

Total Strung Ballot Stubs:	_____	_____	_____	_____
Plus Total # of Provisional Ballots:	+ _____	+ _____	+ _____	+ _____
Plus Total # of Spoiled Ballots:	+ _____	+ _____	+ _____	+ _____
Equals Total Ballots Used:	_____	_____	_____	_____

II. Total Ballots Cast

Total # of Poll Slips Signed (<i>poll book</i>):	+ _____	+ _____	+ _____	+ _____ =
Total # of Ballots Cast Should Equal Total of All Ballot Stubs Strung				_____

III. Total Ballots Received

Total Ballots Used (<i>from above</i>):	_____	_____	_____	_____
Plus Total Ballots Unused	+ _____	+ _____	+ _____	+ _____
Equals Total Ballots Received (<i>Should Equal Total Received From Above</i>)	_____	_____	_____	_____

Signatures of Officials:

Poll Clerk: _____ Poll Clerk: _____

Commissioner: _____ Commissioner: _____

Commissioner: _____

**Statement of Ballots Used
DRE (Touchscreen)
_____ Primary Election**

Time Polls Open: _____ **Precinct:** _____ **Time Polls Closed:** _____

Total # of Paper Rolls Used _____

(Removed from DRE)

	<u>Democrat Ballots</u>	<u>Republican Ballots</u>	<u>Mountain Ballots</u>	<u>Nonpartisan Ballots</u>
--	-----------------------------	-------------------------------	-----------------------------	--------------------------------

I. Total Ballots Cast

Total Poll Slip Stubs:	_____	_____	_____	_____
------------------------	-------	-------	-------	-------

Plus Total # of Provisional Ballots:	+ _____	+ _____	+ _____	+ _____
--------------------------------------	---------	---------	---------	---------

Minus Total # Cancelled Ballots NOT Re-Voted:	- _____	- _____	- _____	- _____
--	---------	---------	---------	---------

Equals Total Ballots Cast:	_____	_____	_____	_____
----------------------------	-------	-------	-------	-------

Total Ballots Cast (Add Dem., Rep., Mtn., and Nonpart. Ballots Cast) _____

I. Total Ballots Cast

Total Poll Slip Stubs:	_____	_____	_____	_____
------------------------	-------	-------	-------	-------

Plus Total # of Provisional Ballots:	+ _____	+ _____	+ _____	+ _____
--------------------------------------	---------	---------	---------	---------

Minus Total # Cancelled Ballots NOT Re-Voted:	- _____	- _____	- _____	- _____
--	---------	---------	---------	---------

Equals Total Ballots Cast:	_____	_____	_____	_____
----------------------------	-------	-------	-------	-------

Total Ballots Cast (Add Dem., Rep., Mtn., and Nonpart. Ballots Cast) : _____

II. DRE Terminals

Terminal Serial Number:	Public Count (opening- <i>must be zero</i>)	Public Count (end of day)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total of Public Count (Add Each Public Count) _____

****Note: Total Public Count and Total Ballots Cast Should Equal****

Signatures of Officials:

Poll Clerk: _____ Poll Clerk: _____

Commissioner: _____ Commissioner: _____

Commissioner: _____