

**VIRGINIA :**

**IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND  
John Marshall Courts Building**

MARK D. OBENSHAIN,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. CL13-5272
	)	
MARK R. HERRING,	)	
	)	
Respondent.	)	

**PRELIMINARY ORDER**

This matter came before the Court on December 4, 2013, on the Petition for Recount and supporting memorandum filed on behalf of Mark D. Obenshain, Petitioner; on the Response to Petition for Recount filed on behalf of Mark R. Herring, Respondent; and on argument of counsel. It appearing to the Court that Senator Obenshain and Senator Herring are in agreement on certain issues and that the Court has ruled on other matters as to which the parties disagree and that a Preliminary Order should issue, it is ORDERED that:

**I. Period Preceding Recount**

1. All voting machine keys, poll books, statements of results, voting machine printed return sheets and printout tapes produced by computers and other machines, ballots and other election materials used or produced in connection with the election for Attorney General of Virginia held on November 5, 2013, and previously delivered to the clerks of the circuit courts of Virginia, shall remain in the safekeeping of the clerks to whom they were delivered, who shall assure that such material remains secure and undisturbed. All voting equipment used in the November 5, 2013 general election shall remain secure and undisturbed in the locations where it

presently is situated until released on December 6 by the clerks to the general registrars for programming and testing subject to the terms of this Preliminary Order. The electoral board of each county and city shall continue to ensure the security of the voting equipment.

2. To the extent that they have not already done so, the clerks are hereby ordered to take the following steps: (a) secure all paper ballots and other election materials in sealed boxes (closing and sealing all openings to the boxes); (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk or his staff; (d) implement all other security measures, if any, taken by the clerk with respect to trial evidence; and (e) certify in writing to this Court (i) the security measures taken by the clerk following the election through the date of this Order and (ii) the security measures taken pursuant to this Order, said certification to be provided to the Clerk of this Court by not later than 5:00 p.m. on December 6, 2013, via email transmission.

3. To the extent that any clerk may have departed from the foregoing procedures before the entry of this Procedural Order, the clerk also shall so inform the Court in writing, explaining the nature of such departure, by no later than 5:00 p.m. on December 6, 2013, via email transmission. The Clerk of this Court shall immediately email the certification required by Paragraph 2 and 3 of this Order to the parties.

4. Promptly upon request of the representative of either party to this proceeding, the general registrar of each city and county shall provide such representative with access to the following documents from the materials from the November 5, 2013 general election, maintained by the general registrar in his office:

- all statements of results (original and corrected),

- computer print-out sheets and tapes,
- abstracts of votes (original and corrected),
- precinct manual tally sheets,
- a list showing which type(s) of voting equipment was used in which precincts.

5. Promptly upon request of the representative of either party, the clerk of each circuit court shall provide such representative with access to the following documents from the November 5, 2013 general election, from the materials maintained by the clerk in his office: .

- all statements of results (original and corrected),
- computer print-out sheets and tapes,
- abstracts of votes (original and corrected),
- precinct manual tally sheets,
- a list showing which type(s) of voting equipment was used in which precincts.

## **II. Date & Time of Recount**

6. The recount of ballots and redetermination of the votes cast in the November 5 election shall take place in the offices of, or other facilities provided or arranged by, the clerks of the circuit courts of the counties and cities of the Commonwealth (except Fairfax County) beginning at 7:00 a.m. on December 17, 2013, and shall continue thereafter until completed. The recount and redetermination of the votes cast in Fairfax County shall begin at 7:00 a.m. on December 16, 2013, and shall continue thereafter until completed, but in no event later than 11:59 p.m., December 18, 2013. The recount shall be conducted according to procedures and instructions contained in this Procedural Order. Additionally, to the extent not inconsistent with the provisions of this Procedural Order, the recount shall be conducted in accordance with the

State Board of Elections' Virginia Election Recounts, Step-by-Step Instructions (copy attached as **Appendix A**) and its Ballot Examples for Handcounting Paper or Paper-based Ballots for Virginia Elections or Recounts (copy attached as **Appendix B**). The results shall be recorded on forms prepared and submitted to the Court by the State Board of Elections, which shall consult with counsel for the parties as part of such preparation and prior to such submission

### **III. Court Supervision of Recount**

7. The overall recount and redetermination shall be supervised by the Court, which shall be assisted by the State Board of Elections, by local electoral boards and by the general registrars. In each county and city the recount shall be supervised by the Court through pairs of recount coordinators. The recount coordinators shall be the chairman and the secretary of each local electoral board; provided, however, that if they are both Republicans, Senator Obenshain shall designate one of them to serve with the Democratic electoral board member for that jurisdiction.

8. In the event that the Democratic member of the electoral board is unable to serve, Senator Herring shall be authorized to name a recount official to act as a recount coordinator. In the event both Republican members are unable to serve, Senator Obenshain shall be authorized to name a recount official to act as a recount coordinator. In the event that an electoral board member is unavailable due to a concurrent recount, the affected party shall be authorized to appoint a recount official to act as a recount coordinator. The electoral boards shall ensure that a voting equipment technician is available as may be necessary, and shall advise the parties of the identity of such technician (including name, address, phone number and business affiliation) by December 13, 2013. Not later than 5:00 p.m. on December 6, 2013, the general registrar of each city and county shall provide his or her telephone and e-mail contact information to the Court,

for delivery to counsel for each party and to the State Board of Elections, so that the general registrar may be reached when necessary before and during the days on which the recount is held.

#### **IV. Location of Recount**

9. The recount and redetermination of the vote shall begin at 7:00 a.m. on December 17, 2013, in all localities except Fairfax County in which the recount and redetermination of the vote shall begin at 7:00 a.m. on December 16, 2013. The recount officials, alternates and coordinators shall be summoned to appear in the offices of the circuit court clerks for their respective cities and counties, or at other facilities provided or arranged for by such clerks, to receive such instructions and take such oaths as the Court may prescribe. The recount of ballots and redetermination of votes cast in the November 5, 2013 election shall take place in the offices of, or other facilities provided or arranged by, the clerks of the circuit courts of the various counties and cities of the Commonwealth according to procedures and instructions set forth in this Procedural Order. The offices or other facilities provided or arranged by the clerks shall be of sufficient size for the purposes of the recount and redetermination and shall allow for direct and proximate observation of the recount officials by the recount observers.

#### **V. Recount To Be Uninterrupted**

10. The recount shall begin on the dates specified by this Preliminary Order, as soon as the recount coordinators and recount officials have taken their oaths and received their instructions and shall continue without interruption during each day (except one hour for lunch and one hour for dinner, if necessary) until completed.

11. For Fairfax County, the recount shall begin on December 16, 2013. On December 16, the recount shall begin as soon as the recount coordinators and recount officials have taken

their oaths and received their instructions and shall continue without interruption (except one hour for lunch and one hour for dinner, if necessary) until 8:00 p.m., at which time the recount shall adjourn until 7:00 a.m. the following day. The recount officials and recount coordinator shall not adjourn for the day with any precinct partially counted, but shall complete the count of each precinct in which recounting has begun before such adjournment. At the conclusion of any recount activities on December 16, 2013, all election and recount materials shall be delivered to the clerk of the circuit court, who shall secure them overnight (using the same security measures listed in this Procedural Order) and deliver said materials to the recount officials and recount coordinators on December 17, 2013. The recount shall resume on December 17, 2013, with the process described in this subsection to be repeated on that day and on each succeeding day until the recount is completed.

**VI. Recount Officials, Alternate Recount Officials, and Recount Coordinators**

12. The recount officials and alternate recount officials for each jurisdiction shall be chosen by the candidates from among the officers of election previously appointed in 2013 by the electoral board for that jurisdiction pursuant to Virginia Code § 24.2-115. The number of recount teams and the number of recount officials to be appointed for each jurisdiction shall be determined by subsequent order of this Court. Each of the parties may also name alternate recount officials from among the officers of election. Each recount team shall be comprised of one recount official selected by Senator Obenshain and one recount official selected by Senator Herring.

13. The recount coordinators and recount officials shall be officers of the Court acting under its jurisdiction, and shall be subject to such training as may be provided by the State Board of Elections and/or recount coordinators, using training materials provided by the State Board of

Elections. The parties shall be provided with 36-hours advance notice of all training sessions and shall be given the opportunity to attend. Additionally, the parties shall be provided copies of training materials 36 hours in advance of those materials being provided to recount coordinators and recount officials.

14. Neither party nor the representative of either party (including political parties and campaign committees) shall undertake any in-person, telephonic or electronic training of any recount coordinator, recount official and/or alternate recount official in their duties. No written communications from a party or his representative to any recount coordinator, recount official and/or alternate recount official shall be made *ex parte*, and any such written communication shall be simultaneously served on counsel for the opposing party and filed with the Clerk (except that communications addressing only time and place of the recount, time and place of training, availability to serve and similar administrative matters are not subject to this requirement). Nothing contained herein shall be construed to prevent any party or the representative of any party from encouraging recount coordinators, recount officials and alternate recount officials to participate in such training as may be provided by the State Board of Elections or by recount coordinators.

15. Nothing contained in this Order or in the procedures to be established for the recount shall be construed to prevent the parties or their representatives from communicating directly with recount coordinators and recount officials during the recount, but they are prohibited from interfering with the members of the recount team in any way.

16. Each candidate shall submit to the Court by no later than 5:00 p.m. on December 10, 2013, the names and addresses of the recount officials, alternate recount officials and, where applicable, recount coordinators whom he has chosen to serve. Such persons are hereby

appointed as recount coordinators, recount officials and alternate recount officials, subject to later disqualification by the Court for good cause shown in the event that the other candidate files an objection by no later than 5:00 p.m. on December 11, 2013.

17. The Clerk of this Court is hereby authorized and directed to issue the necessary summonses to compel the attendance of the recount coordinators, recount officials and alternate recount officials chosen by the parties to appear at 7:00 a.m. on December 16 or 17, 2013 (as specified in this Preliminary Order) at the office of the clerk of the circuit court of their respective localities, or at other facilities provided or arranged for by such clerks, to commence the recount of the vote. The summonses shall be on forms prescribed by the Court and shall be issued by the Clerk, who shall mail them directly to the recount coordinators, recount officials and alternate recount officials. The parties are directed to cooperate with the Clerk in completing the summonses, providing address labels and providing such other assistance as will expedite the mailing of such summonses.

#### **VII. Recount Observers**

18. Each party is authorized to appoint and is entitled to have present at the recount and redetermination one observer for each team of two recount officials. Persons shall qualify as observers by submitting to the recount coordinators a statement, signed by a representative of or counsel for a party, giving the person's name and authorizing him or her to represent the candidate as a duly-designated observer. A photocopy form authorization shall suffice. Not later than 5:00 p.m. on December 13, 2013, the candidates shall exchange with one another and lodge with the Clerk the form of their respective authorization statements that will constitute the credentials of the recount observers.

### **VIII. Transportation of Election Materials**

19. The Virginia State Police hereby are directed to make preparations to collect the recount materials (including the tabulation forms, any envelopes containing challenged ballots, and all documentation prepared by or filled out by the recount coordinators or officials during the course of the recount and redetermination) from the circuit court clerks in each city and county of the Commonwealth at 5:00 p.m. on the final day of the recount and redetermination in that jurisdiction, or as soon thereafter as such materials may be available, to transport such materials to the appropriate State Police division headquarters, and then to transport the materials immediately to the Clerk of this Court, in the John Marshall Courts Building, regardless of the hour. The Clerk hereby is directed to make provision to receive the forms, envelopes containing challenged ballots, and other materials from the State Police, regardless of the hour, and to maintain these materials securely at all times.

### **IX. Inclement Weather**

20. In the event of snow or other inclement weather, the sheriffs of the counties and cities of Virginia are hereby directed to provide transportation, as needed, to the recount coordinators, recount officials and alternate recount officials to and from their homes and, if necessary, to and from the site of the recount, and to and from the locations of voting machines.

### **X. Procedures for Recount and Redetermination**

21. In each city and county that used optical scan tabulators to determine all or part of the vote cast on November 5, 2013, the general registrar and local election board shall make preparation to use such tabulators in the recount, with the number of tabulators for each such city and county being as follows: not less than one tabulator for every six precincts where optical

scan ballots were used in the election (rounding up all fractions to the next highest number), or a high speed tabulator or scanner.

22. Pursuant to Virginia Code § 24.2-802(D)(3), not later than December 16, 2013, the general registrar of every city and county (except for Fairfax County) is directed to cause the designated number of optical scan tabulators to be programmed to count only the ballots cast in the election for Attorney General and to set aside all ballots containing write-in votes, overvotes, and undervotes in said election. The deadline fixed by the preceding sentence shall be December 15, 2013, for Fairfax County. In the event that the designated number of tabulators cannot be programmed in accordance with the foregoing requirement, the general registrar shall provide immediate notice to the parties and the Court of that fact. The general registrar shall provide each party at least 36 hours prior notice of the location and time that programming will occur, and each party is entitled to have one observer present to observe the programming in addition to legal counsel for each party. Notice to any party, as required by this paragraph, shall be provided to the person and address listed for such party in this Procedural Order.

23. Not later than December 16, 2013, the general registrar and the recount coordinators shall ensure that the tabulator programmed for use in the recount is tested for accuracy. The deadline fixed by the preceding sentence shall be December 15, 2013, for Fairfax County. The general registrar shall provide each party at least 36 hours prior notice of the location and time that testing will occur and each party is entitled to have one observer present to observe the testing process in addition to legal counsel for each party. The observers and legal counsel shall have an unobstructed view of the testing and shall be permitted to see the displays on any counting device. The general registrar shall obtain, for each ballot style, 24 blank ballots not used in the election from the clerk (the "test ballots"). In the presence of the recount

coordinators and the party observers, the general registrar shall mark the “test ballots” as follows:

- (a) five (5) shall be marked for Mark R. Herring;
- (b) four (4) shall be marked for Mark D. Obenshain;
- (c) three (3) shall be marked for a write-in candidate named “John Doe”;
- (d) two (2) shall be marked for both Mark R. Herring and Mark D. Obenshain (overvote);
- (e) two (2) shall be marked for both Mark R. Herring and a write-in candidate named “John Doe” (overvote);
- (f) two (2) shall be marked for both Mark D. Obenshain and a write-in candidate named “John Doe” (overvote);
- (g) two (2) shall remain unmarked for any candidate in the Attorney General’s election (undervote);
- (h) two (2) shall be marked for the Republican Governor and Lieutenant Governor candidates and shall remain unmarked for all other candidates (undervote); and
- (i) two (2) shall be marked for the Democratic Governor and Lieutenant Governor candidates and shall remain unmarked for all other candidates (undervote).

24. Notice to any party, as required by this paragraph, shall be provided to counsel for the parties listed below.

25. In the presence of the recount coordinators and party observers, each of the “test ballots” shall be run through the tabulator programmed in accordance with this Procedural Order. After the “test ballots” have been run, the general registrar shall print the results from the test run.

26. If the tabulator does not accurately count and set aside “test ballots,” the recount coordinators and general registrar shall require the tabulator to be reprogrammed in compliance with this Procedural Order and shall re-run the “test ballots” as set forth above until the electoral board and general registrar are satisfied that the tabulator is properly programmed.

27. In the event that the recount coordinators and general registrar need additional blank ballots in addition to the “test ballots” provided by the clerk for the testing process, the clerk shall be authorized to provide the electoral board and general registrar the precise number of ballots required, but not more. These blank ballots shall be used solely for the testing function as described in this Procedural Order.

28. Once the electoral board and the general registrar determine that the tabulator has been correctly programmed to count only the votes in the Attorney General’s election and to set aside all ballots containing write-in votes, overvotes, and undervotes, the recount coordinators and the general registrar shall take the following actions in the presence of the party observers:

- (a) immediately reset the tabulator counter back to zero and lock the tabulator;
- (b) print the date and term “TEST BALLOT” across the face of each of the “test ballots” and sign the ballots; and
- (c) return the “test ballots” to the clerk.

29. The clerk shall place the “test ballots” into a separate envelope marked “RECOUNT TEST BALLOTS – DO NOT OPEN,” seal the envelope, and place it into a sealed box of election materials.

30. At 7:00 a.m. on December 17, 2013, the recount coordinators, recount officials and alternate recount officials shall appear in the offices of the clerk of the circuit courts for each of the counties and cities in which they serve (except for Fairfax County), or at such other facilities provided or arranged by the clerk. The recount coordinators, recount officials and alternate recount officials shall appear in Fairfax County at 7:00 a.m. on December 16, 2013. Once all recount officials and any needed alternates are identified, unneeded alternates may be dismissed, subject to recall by the recount coordinators if necessary. The clerks then shall administer the following oath to the recount coordinators and recount officials:

I do solemnly swear (or affirm) that I will perform the duties for this election recount according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election recount, so help me God.

31. In the event that, on the day of the recount, the recount coordinators in any jurisdiction determine that some recount officials are not immediately needed, or that some recount officials should stand by, the recount coordinators shall abide by the preferences of each party as to which of that party’s previously designated recount officials shall be given priority in terms of conducting the recount and redetermining the vote. Any designation of such a preference shall be made by each party’s respective recount observers at the time of the recount.

32. The recount and redetermination of the vote shall consider only votes cast in the election. It shall neither (a) include ballots not cast in the election, including absentee or provisional ballots not counted by decision of a local election board, nor (b) exclude ballots cast in the election. The recount and redetermination shall not take into account (i) any absentee

ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election, (ii) ballots cast only for administrative or test purposes and voided by the officers of election, or (iii) ballots spoiled by a voter and replaced with a new ballot. There shall be only one redetermination of the vote in each precinct, and the eligibility of any voter to have voted shall not be an issue in this proceeding.

33. For purposes of this Procedural Order the provisional votes cast in each city and county shall be counted and either reported separately, or as part of the voters' respective precinct totals, in the same manner as they were counted in the original canvass.

#### **XI. Computation of Statewide Results**

34. The Clerk shall be prepared to report to the Chief Judge at 7:00 a.m. on December 18, 2013, which localities' forms have not been received. Thereafter, the State Board of Elections, under the Court's supervision, shall immediately begin tabulating the results for each locality and for the Commonwealth as a whole. Representatives of each candidate shall be afforded an opportunity to examine the challenged ballots in the presence of an officer of the Court while the State Board of Elections is tabulating the results.

35. The tabulation shall be recorded on forms prepared by the State Board of Elections in consultation with counsel for the candidates and approved by the Court. The State Board of Elections shall engage an outside accounting firm to assist it in the tabulation of the vote. The results of the tabulation, together with the forms on which the votes have been recorded shall, upon completion, be delivered to the Court.

## **XII. Court to Convene**

36. The Court shall convene on December 19, 2013 for the purpose of determining all matters pertaining to the recount and redetermination of the vote as raised by the parties. On December 19, 2013 the Court will hear arguments and rule on any challenged ballots and votes. By an appropriate order, the Court will conclude the recount and redetermination by certifying to the State Board of Elections the vote of each of the candidates and declare the person who received the higher number of votes to be elected.

## **XIII. Compensation and Mileage Expense**

37. Recount officials shall be paid a per diem payment equal to two-thirds of the per diem payment which they received for service on election day, November 5, 2013. They should submit their request for per diem payment and mileage on forms supplied by the State Board of Elections. Alternate recount officials who do not serve shall submit their request for mileage on forms supplied by the State Board of Elections.

## **XIV. Resolution of Disputed Issues**

38. Counsel for Senator Herring and Senator Obenshain shall make good faith efforts to exchange and file with the Court by 3:00 p.m., but in no event later than 4:30 p.m. on December 6, 2013, legal memoranda on the several issues about which the parties are in disagreement and, on the same day, cause copies of their memoranda to be delivered by facsimile or e-mail to the chambers of the three judges sitting on this recount Court. Counsel for the parties shall, in like manner, provide copies of their memoranda to the Secretary of the State Board of Elections and to counsel for the State Board of Elections.

39. The full three-judge Court shall convene at such date and time as the Court shall hereafter designate to dispose of any motions and to fix finally the rules of procedure for the recount.

**XV. Other**

40. It has been represented to the Court that petitions for recount of elections other than Attorney General have been filed in Fairfax County, Manassas Park City, and James City County. The clerk of the circuit court in each of these jurisdictions is directed to bring this Procedural Order to the attention of the recount court empanelled for purposes of these other recounts. In the event of a conflict between this Procedural Order and the order issued by any other recount court, the Court will notify the parties and, if necessary, issue further orders necessary to resolve such conflicts and insure the integrity of all recounts.

41. Wherever this Procedural Order requires delivery of any notice of document to any Party or his counsel, such notice or document shall be provided to the following counsel of record at the email addresses and fax numbers indicated below

(a) Counsel for Mark D. Obenshain:

William H. Hurd  
Ashley L. Taylor, Jr.  
Stephen C. Piepgrass  
Anne Hampton Andrews  
TROUTMAN SANDERS LLP  
1001 Haxall Point  
Post Office Box 1122  
Richmond, Va 23218-1122  
Telephone: (804) 697-1335  
Facsimile: (804) 698-6058  
E-mail: wiliam.hurd@troutmansanders.com  
E-mail: ashley.taylor@troutmansanders.com

E-mail: stephen.piepgrass@troutmansanders.com  
E-mail: annehampton.andrews@troutmansanders.com

(b) Counsel for Mark R. Herring:

Mark B. Rhoads  
MCCANDLISH HOLTON PC  
Post Office Box 796  
1111 E. Main Street, Suite 1500  
Richmond, VA 23218-0796  
Tel: (804) 775-3824  
Fax: (804) 249-9595  
E-mail: mrhoads@lawmh.com

Marc E. Elias  
Kevin J. Hamilton  
PERKINS COIE, LLP  
700 Thirteenth Street N.W.  
Washington, D.C. 20005-3960  
Telephone: (202) 434-1609  
Facsimile: (202) 654-9126  
E-mail: MElias@perkinscoie.com  
E-mail: KHamilton@perkinscoie.com

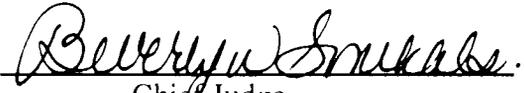
42. The Clerk is directed to send immediately a copy of this Procedural Order to the clerk of the circuit court of each county and city in Virginia and to Colonel W. Steven Flaherty, Superintendent, Virginia State Police. The clerks of the circuit courts of each county and city are directed to provide copies of this Order to their respective sheriffs and to direct their attention especially to Part IX. The Secretary of the State Board of Elections is directed to send a copy of this Procedural Order to the electoral board of each county and city in Virginia.

43. This matter is continued until December 9, 2013 at 9:00 a.m.

Endorsements are waived per Rule 1:13 and objections were noted on the record.

IT IS SO ORDERED.

Date: 12-5-13

  
Chief Judge

# **Appendix A**

## Virginia Election Recounts



## Step-by-Step Instructions

**Includes:**

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

SBE-802-SBS 8/2012

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

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

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

**Overview -- Election Recounts and Contests****Recounts**

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

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

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

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

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

Local electoral boards certify all other election results for local offices. Each electoral board meets in the days following the election to canvass and certify these results. To request a recount, an apparent losing candidate for a local election must file a petition for a recount

with the Circuit Court where the challenged candidate resides within ten days after the electoral board certifies the election results. Any local candidate seeking a recount should check with their local general registrar or electoral board to determine the actual date of certification for these local offices.

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

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

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

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

### **Contests**

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

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

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

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

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

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

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

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

<i>Office</i>	<i>Notice of intent to contest is filed with</i>
Election of Presidential Electors	Circuit Court, City of Richmond
Primary for U.S. Senate* or Statewide Office	Circuit Court, City of Richmond
Presidential Primary	No contest provisions in Code of Virginia
Election for Governor, Lt. Governor or Attorney General	Clerk of the House of Delegates

<sup>1</sup> David M. Drucker & Emily Pierce, "Democrats May Join Minnesota Fray," Roll Call, 12/8/08

<sup>2</sup> In the event of a U.S. Senate recount in Virginia, SBE would ask the Parliamentarian of the Senate (through the state's other Senator(s)) if the rules at that time specify a deadline for filing a contest after the conclusion of a recount.

<b>Election for House of Delegates</b>	<b>Clerk of the House of Delegates</b>
<b>Election for State Senate</b>	<b>Clerk of the State Senate</b>
<b>Primary for U.S. House of Representatives*, House of Delegates or State Senate</b>	<b>Circuit Court where challenged candidate resides</b>
<b>Primary or Election for any county, city, town or district office</b>	<b>Circuit Court where challenged candidate resides</b>

## Persons Involved in the Recount

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

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

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

**Recount Court** – Upon receipt of the petition for recount, the Chief Judge of the court in which it was filed must alert the Chief Justice of the Virginia Supreme Court, who will thereafter appoint two judges to serve on the Recount Court. These three judges will constitute the Recount Court.

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

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

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

## Preparations for the Recount

### SBE, General Registrar(s) and Electoral Board Members

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

- A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting and counting devices, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the counting device and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely

and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting devices in use in the election district. (§ 24.2-802)

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

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

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

### **Duties of Clerk(s) of Court**

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

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

### **Duties of the Chief Judge of the Recount Court**

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

### **Duties of the Recount Court**

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

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

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

### Check in and Logistics

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

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

Use appropriate instructions for any combination of  
DIRECT RECORDING ELECTRONIC (DRE) MACHINE PRINTOUTS  
OPTICAL SCAN BALLOTS AND TABULATOR  
PAPER BALLOTS

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

### **Materials**

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

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

The full section of this document titled "Part One" - Recount Day in the City or County" which includes the Precinct Instructions

A sample copy of **SBE-802-PR - Recount Precinct Results for All Voting Systems**

A copy of the **Ballot Examples for Handcounting Paper or Paper-based Ballots for Virginia Elections or Recounts**

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

**SBE-802-PR - Recount Precinct Results for All Voting Systems** (1 set per precinct. If no DRE was used in the precinct, the two pages with sections A-1 through A-3 should not be provided to the Recount Officials. The other four pages will be used for all precincts.)

**SBE-802-CB - Challenged Ballot Forms** (4 per page; multiple copies may be needed)

**Challenged Ballots envelope** (have one per precinct on hand)

**SBE-802-MA - Precinct Manual Tally Sheet** (an optional new form which can be used when hand counting paper or optical scan ballots) (4 or more copies per precinct recommended, to keep paper and optical scan counts separate, and so each officer can prepare tally while other officer counts ballots)

**The memory card, cartridge or other data storage medium (one per precinct)** which has been prepared especially for the recount if optical scan ballots are to be rerun through a tabulator during the recount.

- It is recommended that the prepared cards, cartridges or media be placed in the custody of the Clerk, to be released to the Recount Coordinators one precinct at a time with the other materials below.

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

**Envelope #2** containing the

- **POLLBOOKS and POLLBOOK COUNT Forms (all divisions)** (if paper pollbooks were used),
- one copy of the **Statement of Results with machine tapes attached** (General Registrar will have the second copy, available for public inspection, after the canvass),
- **Write-Ins Certification** (if cast on paper ballots or voting systems that do not include the names written-in and votes cast for each), and
- **Incident Report**

**Box/Envelope #3** containing the **COUNTED BALLOTS** (Envelope 3 may be combined with Envelope 5 so as to also contain outside poll envelopes).

And the following envelopes if used in the election:

**Envelope #7B** containing the voting equipment keys for optical scan and DRE dial/touchscreen voting systems

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

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

- **The memory card, cartridge or other data storage medium** which will be used for the precinct, has been prepared especially for the recount.
  - It is programmed to count, as required by law, only the votes cast for the office or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes for that office or issue for hand counting.
  - (If the card, cartridge or medium could not be reprogrammed as required by the recount law, all optical scan ballots for the precinct will be handcounted by the recount team.)
- One memory card, cartridge or other data storage medium for each precinct will be used to recount the ballots cast at the polling places in the district (including absentee ballots if counted at the precincts).
- If a Central Absentee Precinct (CAP) was used, one **memory card, cartridge or other data storage medium** will be used to count the optical scan ballot cards of absentee voters whose ballot cards were originally handled by the tabulator for the CAP.

- NOTE: The **memory card, cartridge or other data storage medium** used in the precinct (or Central Absentee Precinct) on Election Day to count optical scan ballots will remain sealed and in the custody of the Clerk. *It should not be needed during the recount.*
- (Counted provisional votes, even if voted on optical scan ballots, were originally handcounted by the Electoral Board and will be handcounted in the recount. Provisional Ballots will be counted as a separate precinct, which is the same manner in which they were originally counted after Election Day).

**General Instructions**

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

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

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

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

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

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

Some suggested table layouts --

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

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



Part A - 2 – Certification of DRE Machine Results for Precinct		Calculation or Source	VM-1 or Consolidation Tape*	VM-2 [etc...]	Candidate Totals
A3	Candidate Name _____ ( )	Machine Tape	_____	_____	Carry to C1(C) ?
A4	Candidate Name _____ ( )	Machine Tape	_____	_____	Carry to C1(D) ?
A5	Total votes for both candidates on DRE(s)	= A3 + A4	?	?	Should=C1(B) ?
A6	DRE ballots undervoted or voted for other candidates (this office)	= A2 - A5	?	?	Carry to C8(G) ?

### **A. One precinct at a time. Open Envelope #2: Record DRE Results**

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

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

1. From that printout, enter the following information on the **SBE-802-PR -- Recount Precinct Results for All Voting Systems** form.
  - a. In **Part A-1, DRE Voting Machines**, enter the number of votes recorded as voting on all machines (from Consolidation printout) under **VM-1 (voting machine 1), line A2**;
  - b. In **Part A-2, Certification of DRE Machine Results for Precinct**, enter the votes cast for each of the two candidates in the recount under **VM-1 (voting machine 1), lines A3 and A4**;
  - c. Enter the **serial number of each machine** from which results were added by the *Consolidation* machine in the blanks provided at the bottom of the page below Part A-2. α

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

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If the Recount Officials have any doubt that the *Consolidated* printout includes the results from every DRE used in the precinct in the election, they should check the machine serial numbers on the *Consolidated* printout against the serial numbers listed on the back

of **Envelope # 7/7C**. If any DRE used in the election is not listed on the *Consolidated* printout, follow steps under "e" below.

- d. If the *Consolidated* printout is not clear, contact the Recount Coordinator and, if so advised by the Recount Coordinator, reprint the *Consolidated* printout if possible.
- e. If there is no *Consolidated* printout or it is not clear, and it cannot be reprinted, or it does not include the results for every machine in the precinct -- proceed as follows:

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

Enter the *Consolidated* printout results under VM-1, lines A2, A3 and A4 (number of voters, and votes cast for the two candidates); Enter the serial numbers of every machine with results included in the *Consolidated* printout at the bottom of the page below Part A-2 in the blanks provided.

For each machine not included in the *Consolidated* printout, from the individual DRE machine tapes, enter the machine serial number, number of voters who voted on this DRE and votes for each candidate in the recount on the appropriate lines under columns VM-2, VM-3, etc., until the results for all machines not listed on the *Consolidated* printout have been recorded. If an additional page is needed, continue to another copy of the *Recount Precinct Results* page containing Parts A-1 and A-2, manually crossing out and renumbering the machine number headings on the second page (VM-1 becomes VM-7 on page 2, etc.).

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

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

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

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

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

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

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

A. Machine#: \_\_\_\_\_  
 B. \_\_\_\_\_  
 Number on Protective Counter

C. \_\_\_\_\_  
 Number on Public Counter

D. \_\_\_\_\_  
 # on key envelope

E. \_\_\_\_\_  
 # on machine seal

ii. Seal(s) intact?  YES  NO

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

F. Machine#: \_\_\_\_\_  
 Number on Protective Counter

G. \_\_\_\_\_  
 Number on Public Counter

H. \_\_\_\_\_  
 Number on Public Counter

3. Calculate the total votes cast for the two candidates in the recount, under each **VM** column, in **line A5 (A3 + A4)**. Then calculate the Total Voters on DREs in **line A2** (adding across), the DRE totals for each respective candidate in **lines A3 and A4** (adding across), and the total votes cast on DREs for both candidates in **line A5** (adding across).

Double-check: the total votes on all DRE machines for the two candidates in the recount, calculated in the last column of **line A5** by adding across that line, must equal the totals for the two candidates adding down the last column of totals from rows **A3** and **A4**.

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

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

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

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

6. Add the candidate totals entered **line C1, columns C and D** for the two candidates and enter the total in **line C1, column B**. Check that this total is the same number entered in the **total column of line A5**.

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

C1	Total DRE Machine Count (Copy A, C and D for this line from Parts A-1 and A-2 - voter and candidate totals; if no DREs used, mark each "0".)	Line A2 Total _____	(CHECK : SHOULD = LINE A5 TOTAL)  ?	Line A3 Total _____	Line A4 Total _____
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7. From **Part A-1**, carry over the total number of voters who undervoted this office, or voted for another candidate (**last column of line A6**) and enter the number in **Part C, line C8** (ballots undervoted...), **column G (DRE)**.

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

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

**B. Paper Pollbooks: Verify pollbook count and number of paper ballots cast**

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

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

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

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

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

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

If the locality used a CAP to count absentee ballots, do not include the voters marked **"AB"** in the precinct counts unless

they are also marked with a **pollbook count (PBC) number**.

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

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

3. RETURN the pollbook and pollbook count sheet to **Envelope #2**. Do not reseal Envelope #2 at this time.
4. If more than one paper pollbook division was used in the precinct, repeat Steps 1, 2 and 3 for each such pollbook division.
5. When all pollbook divisions have been entered, **add across Line D1** (Paper Pollbooks) to total the division counts and enter the total in the last column, Total Pollbook Count.
6. **Add across line D1-PB** to total the paper ballot counts from the pollbook divisions and carry this number over to **Part B, line B6**.
7. From **Part A** of the **Statement of Results** (previously set aside), the number of paper ballot voters in the precinct is indicated in **line A9** (A18 if absentee ballots were counted in the precinct). Enter this number in **Part B, line B7** of the **Recount Precinct Results**.

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

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

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

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

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

9. From **Part C1 of the Statement of Results** enter the number of canceled DRE ballots in the Recount Precinct Results, **Part D-1 (Paper Pollbooks), line D2** and the number of voided optical scan and paper ballots in **line D3**. **Add D2 and D3**, and enter the total in **line D4**.
10. **Subtract line D4** (total canceled and voided ballots) **from D1** (total of division counts), and enter the figure in **line D5**.

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

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

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

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

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

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

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

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

3. From **Part C1 of the Statement of Results** (previously set aside) enter the number of canceled DRE ballots in **Part D-2 (Electronic Pollbooks), line D2** and the number of voided optical scan and paper ballots in **line D3**. **Add D2 and D3**, and enter the total in **line D4**.
4. **Subtract line D4** (total canceled and voided ballots) **from D1** (Total EPB pollbook count), and enter the figure in **line D5**.
5. The Recount Officials must verify the totals entered.
6. RETURN the EPB open/close report (if applicable) and thumbdrive to **Envelope #2**, along with the Statement of Results and any other materials removed from **Envelope #2**. If a printout/report was produced from the thumbdrive during the recount, that printout/report should also be sealed inside **Envelope #2** (in the event of a later contest). RESEAL **Envelope #2**, with both Recount Officers signing the seal. Set Envelope #2 aside.

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

1. Insert the **MEMORY CARD, CARTRIDGE, OR OTHER DATA STORAGE MEDIUM** for the precinct to be counted.
3. Turn the device **ON**.
4. Produce a **ZERO** printout.

5. Verify that all totals on the **ZERO** printout, including the ballots cast, and the total on the Public Counter on the front of the device read **0000**.
6. Record the **Serial Number** from this Optical Scanner in the **Recount Precinct Results, Part B, line B1**.
7. Read the number from the **Public Counter** aloud and enter it in the **Recount Precinct Results, Part B, line B3 ("before recount")**.
8. Feed ballots.

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

1. Open **Box/Envelope #3** containing **COUNTED BALLOTS** for the precinct being counted.
2. As they are removed from the box/envelope, **set aside the paper ballots for separate hand counting** (face down); "Paper ballots" in a precinct that also uses an optical scan tabulator may include:
  - traditional paper ballots
  - official reproductions of paper ballots or optical scan ballots
  - ballots sent to military or overseas voters by email or fax and printed by the voters (if absentee ballots are counted in the precinct -- or if precinct being recounted is the CAP)
  - Federal Write-In Absentee Ballots (FWABs) from military or overseas voters (if absentee ballots are counted in the precinct -- or if precinct being recounted is the CAP). See 11.2.2010 Emergency Declaration of Secretary of State Board of Elections.

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

3. Feed all **Optical Scan** ballot cards into the counting device without examination of any ballot card.
4. If the counting device indicates that for the office being recounted the ballot was **overvoted** or **undervoted**, or the ballot contains a **write-in** vote for that office, it must be **separated out to be counted by hand**. The tabulator would have been programmed to sort these into the "write in" bin automatically if possible, but may have been programmed to alert the operator in some cases instead. If so, simply set that ballot aside (face down) for hand counting.

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

5. Both Recount Officials must verify that the **Box/Envelope #3** container is empty, that all **Optical Scan** ballot cards have been inserted in the counting device, and that all **paper ballots** have been **set aside** for separate hand counting.
6. Repeat steps 1 - 5 above for any additional **Box/Envelope #3** containers of **COUNTED BALLOTS** for that precinct.

**F. Obtain results determined by the electronic counting device**

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

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

2. Run one printout to obtain the recount results for the precinct:
  - a) Produce the **FINAL RESULTS** tape.
  - b) Remove the **OPTICAL SCAN** ballot cards from the ballot compartments, return them to the **COUNTED BALLOTS** container(s), and seal it (them).
  - c) Remove the printout with **ZERO** report and the **FINAL RESULTS** intact.
3. **Record the data from the counting device tape** on the **Recount Precinct Results** form:
  - a) Enter the **total Optical Scan ballot cards read in Part C, line C2, column A. This number must match** the public counter difference previously entered in **Part B, line B4**. If the numbers do not match, first recheck the counter numbers and number of ballots entered on the form, and the math. If they still do not match, ask for the advice of the Recount Coordinator.
  - b) Read aloud the name of the first candidate involved in the recount and the number of votes cast for first candidate and enter the total in **line C2, column C**, double-checking that each number is copied to the column for the appropriate candidate.
  - c) Read aloud the name of the second candidate involved in the recount and the number of votes cast for the second candidate and enter the total in **line C2, column D**, double-checking that each number is copied to the column for the appropriate candidate.

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

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

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

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

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

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

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

B5	Number of <i>Manually</i> Counted Optical Scan Ballots *	Count	_____
----	--	-------	-------

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

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

- (1) and (2) One stack each for ballots clearly voted for either candidate involved in the recount
- (3) Ballots either not voted for the office (undervoted) or not voted for candidates in the recount
- (4) Ballots clearly voided by the voter for the office per § 24.2-663 (overvoted or title of office erased)

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

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

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

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

- a. One Recount Official should count the ballots while the other closely observes.
  - b. Count the ballots by laying each ballot with the office being recounted face up on the table so that both officials and all observers can clearly see each ballot as it is counted.
  - c. Then the other official should count the same ballots while being closely observed by the first.
  - d. The official observing may use SBE's new Manual Recount Tally Sheet.
  - e. If the two officials do not arrive at the same number, repeat.
3. Re-examine all **Optical Scan** ballots in the "challenge" stack. Refer to the Ballot Examples. If the two Recount Officials agree on how to count the ballot, place the ballot in the appropriate other stack (1-4 above).

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

- a. For each challenged ballot, complete the form entitled **STATEMENT OF RECOUNT OFFICIAL - CHALLENGED BALLOT (SBE-802CB)**, setting forth the reason(s) for the challenge. Sign the form and attach it to the ballot. This ballot will go to the Recount Court for a decision.
  - b. When all the ballots remaining in the "challenge" stack have been officially challenged, count the **Optical Scan** ballots being challenged and, when both officials agree on the number, enter total in **Part C, line C9, column E** of the **Recount Precinct Results** form.
  - c. Place the signed, challenged ballot statements and attached ballots in the **Challenged Ballots envelope** for the precinct, and enter the name/number of the precinct. **DO NOT** enter the number of challenged ballots on the envelope at this time. **DO NOT SEAL IT** at this time. Set the envelope containing **CHALLENGED BALLOTS** aside.
4. Count all **Optical Scan** ballots voided and, when both officials agree on the count, enter total in **line C7, column E** of the Recount Precinct Results form. Return voided ballots to **Box/Envelope #3**.

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

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

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

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

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

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

**H. Count the paper ballots**

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

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

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

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

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

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

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

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

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

3. If the total number of **paper** ballots in **Part B, line B8** does not exceed the total number voting by paper ballot in **Part B, line B6**, enter ZERO (0) in **Part C, line C6 (column B) (paper ballots drawn)**;
4. If the total number of **paper** ballots in **Part B, line B8** exceeds the total number voting on paper ballots in **Part B, line B6** and no error is found, first consult with your Recount Coordinator. Recent recount orders have directed that the materials be sent to the Recount Court in this situation, not drawn down. The Recount Coordinator will know if the court order in the current recount contains instructions regarding this matter. If the court order is silent on this situation, the following procedures must be followed (§ 24.2-662):
  - a. Return all **paper** ballots to a container.

- b. Have one of the Recount Officials, blindfolded, draw out the number of **paper** ballots necessary to reduce the total number to the number reported voting on paper ballots.
  - c. Mark the drawn **paper** ballots "**DRAWN AND NOT COUNTED**", and return them to **Box/Envelope #3**. Enter number drawn in **Part C, line C6 (column B)**.
5. **To count the paper ballots, follow the same procedures described above under "G. Hand count Optical Scan ballots previously set aside" with the differences below.** (The only difference for most of the "stacks" -- other than challenged ballots -- is where the information for the paper ballots is recorded on the Recount Precinct Results form.)

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

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

- b. Enter total number of **paper ballots voided** in **line C7, column F** of the Recount Precinct Results form. Return voided paper ballots to **Box/Envelope #3**.
- c. Enter the total number of **paper ballots not voted or not voted for candidates involved in the recount** in **line C8, column F**. Return these paper ballots to **Box/Envelope #3**.

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

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

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

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

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

**I. Finish the paperwork**

1. Return all ballots except the challenged ballots to **Box/Envelope #3** (if not previously done). If manual tally sheets were used, put them in **Box/Envelope #3, on top** of the ballots (in case there is a contest following the recount). Then RESEAL it.
  - a. In **Part C** of the Recount Precinct Results, **find the totals for lines C1 through C4 in each vertical column (A - D)** and enter the column totals in the corresponding column on **line C5**.

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

- b. In **Part C**, add together the number of optical scan, paper and DRE ballots (**columns E, F and G**) in each category listed on lines **C7 through C9**. Enter the respective totals in **Column B** on the same line.
- c. In **Part C**, Enter the **total of column B, lines C5 through C9** on **Line C10**.
- d. Is the number in **line C5, column A** the same as the number in **line C10, column B**? If not, recheck math and recheck numbers entered. Ask Recount Coordinator for guidance.

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

2. If optical scan ballots for this precinct were rerun through a counter during the recount, **make sure that the OPTICAL SCAN TAPE for the ballots rerun during the RECOUNT is stapled to the back** (behind the top right -- see instructions on page) **of the Recount Precinct Results page with Part B.** Make sure that the precinct code is written on the tape.
3. Make sure that the pages of the Recount Precinct Results are complete (including all information at the top of the pages if not previously filled in) and put them in order by "Part" letter. Number the pages if this has not been previously done, or if an additional page had to be added (for example, for more individual DRE tapes than the columns available).
4. Each Recount Official must verify the totals entered and **sign and date the form** in the **CERTIFICATION (Part E)**. (If a second team of Recount Officials was used to hand count the ballots, those officials must also sign the form.)

**PART E -**

**CERTIFICATION** - I, the undersigned, hereby certify that the above information is true and correct to the best of my knowledge and belief.

**WARNING:** If you are a candidate or party official, you are prohibited from influencing the outcome of the election by any means, including but not limited to, the use of force, threats, bribery, or other illegal means. If you are found to have violated this prohibition, you may be subject to criminal and civil penalties.

1. \_\_\_\_\_

3. \_\_\_\_\_

Recount Official's Signature - Team 1

Recount Official's Signature - Team 2 (if applicable)

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

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

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

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

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

The Recount Officials will now give the Recount Coordinator:

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

**J. Repeat for next precinct**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Check in and Logistics

Make sure you have the following documents and materials:

- Locality Summary of Recount Results (SBE-802-LS)*  
(one form has been prepared for each locality)
- Court Certification of Recount Form (SBE-802-CC)*  
(lists results by locality)

Locality Results envelope/box for each locality  
Stickers to reseal the envelopes  
Notepads  
Pens

### Officials and Authorized Representatives

#### Floor Teams:

- o One SBE Staff Member,
- o One representative of the accounting firm,
- o One representative of each campaign.

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

#### Floor Attorneys:

- o Attorneys for each campaign

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

#### Appeals Team:

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

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

#### Summary Team:

- o One SBE Staff member,
- o One representative of the accounting firm,
- o One representative from each campaign.

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

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

**Runner:**

- o One SBE Staff member

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

**Clerk**

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

### Review and Compilation of Results

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

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

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

Check to make sure that the **Clerk** or Deputy Clerk of the Circuit Court in the locality of origin has signed in the space provided in the lower right hand corner of the package.

### Dealing with Challenged Ballots

I. Open the *Locality Precincts Results* package. This material should be opened by the SBE staff member on the **Floor Team**. The package should contain the precinct results for each precinct in the locality, attached to a *Challenged Ballot Envelope*. The *Challenged Ballot Envelope* should be signed by the recount officials for that precinct. Each precinct's materials should be examined in the order that they are removed from the envelope/box.

II. Identify the precinct and find it on the *Recount Certification – County or City Results by Precinct* form for its locality.

### III. Examine the *Challenged Ballot Envelope*.

**If zero Challenged Ballots indicated:**

Examine the *Challenged Ballot Envelope (SBE-802-CB)*. If the number of Challenged Ballots indicated on the front of the *Challenged Ballot Envelope (SBE-802-CB)* is zero, verify that the envelope is empty by holding it up to the light, then the **accountant** should enter zero in the column labeled "No. of Challenged Ballots" for that precinct on the *Locality Summary of Recount Results (SBE-802-LS)* form for this locality.

**If a number of Challenged Ballots indicated:**

If a number of Challenged Ballots is indicated on the front of the *Challenged Ballots Envelope(SBE-802-CB)*, open the envelope and verify that the number of ballots enclosed equals the number entered on the envelope and that a challenge slip is attached to each one. The **accountant** should enter the verified number in the column labeled "No. of Challenged Ballots" for that precinct on the *Locality Summary of Recount Results (SBE-802-LS)* form for this locality.

**If no number of Challenged Ballots indicated:**

If no number of Challenged Ballots is indicated on the front of the *Challenged Ballot Envelope (SBE-802-CB)*, the envelope must be opened to verify whether or not it is empty. Also, check the precinct supporting forms attached to the *Challenged Ballot Envelope* to find the number of optical scan and/or paper ballots listed as challenged. The **accountant** should enter the verified number in the column labeled "No. of Challenged Ballots" for that precinct on the *Locality Summary of Recount Results (SBE-802-LS)* form for this locality.

If any discrepancy is discovered, the **party lawyers** should be notified immediately; the issue shall be noted on the *Challenged Ballot Envelope(SBE-802-CB)*; and the envelope shall be signed by the SBE representative and the two party representative on the **Floor Team**. The number of paper and optical scan ballots challenged can be re-checked by examining the supporting documents.

### IV. Examine each Challenged Ballot one at a time.

Check the information on the "*Statement of Recount Official*" included in the *SBE-802-CB* form attached to the ballot to be sure that it has been completed and signed. If the form has not been signed by a recount official, the ballot cannot be counted for any candidate.

After this initial review, both **party representatives** should be allowed to carefully examine the ballot, without handling it.

- If there is any question about the voter's intent, please refer to the SBE ballot examples.
- If both party representatives agree on whether the challenged ballot is to be counted and for which candidate in the recount, then on the back of the "*Statement of Recount Official*" the SBE staff member on the **Floor Team** should either write "not counted for any candidate" or should indicate for which candidate it is to be counted.

When all the challenged ballots have been examined, if there are any on which the two **party representatives** have not agreed, the **Floor Attorneys** for the two sides should be summoned to the table.

- If the **Floor Attorneys** for both sides agree, the form should be marked according to their decision.

- If they do not agree, the form will be marked with the locality name, precinct name and precinct number then referred to the **Appeals Team** through the **Runner**.

The SBE staff member on the **Floor Team** will count the challenged ballots, in full view of the observers, and the **accountant** should enter the number for each candidate on the *Locality Summary of Recount Results (SBE-802-LS)* form for this precinct and locality. Note on the *Challenged Ballot Envelope* the number of ballots that have been referred to the **Appeals Team**, if any, and reseal the *Challenged Ballot Envelope* with a paper seal signed and dated by both candidate representatives and the SBE staff member on the **Floor Team**.

### Final Certification of Results: Re-seal material

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

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

## **After the Recount**

### **Issuance of Certificate of Election**

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

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

### **Update Results on SBE Website**

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

### **Return and Final Retention of Material**

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

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

Materials sent from any other localities in the district to be recounted should be returned to the Clerks for those localities, again to be treated in the same manner as other records from that election date which are in the custody of the Clerk. The other Clerks may want to pick up the records, or the sending Clerk may have them delivered personally or by a method that includes tracking of delivery. If the materials are picked up or delivered personally, both Clerks should keep a record documenting the transaction.

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

## Appendix

### Conversion to 11/2011 Versions of SBE Recount Forms and Instructions

<b>2011</b>	<b>SBE-802-PR</b> Source: § 24.2-802(D)	<b>Recount Precinct Results For All Voting Systems</b>
	<i>REPLACES</i>	
2008	654R-DE	DRE AND paper OR optical scan precinct results form (with consolidated DRE results)
2008	654R-DE2	DRE and paper ballots results form (without consolidation tapes)
2008	654R-DE3 (added 2008)	DRE and paper AND optical scan precinct results form (with consolidated DRE results) (NEW 12/11/08)
2008	654R1	Pollbooks and paper ballots form
2008	654R1-PB	Precinct results - paper ballots
2008	654R-OS	Precinct results - pollbooks and optical scan
<b>2011</b>	<b>SBE-802-SBS</b> Source: § 24.2-802(D)	<b>Virginia Election Recounts: Step-by-Step Instructions (Includes Precinct Instructions for Recount Officials &amp; Coordinators - All Voting Systems)</b>
	<i>REPLACES</i>	
2008	DE-I-OS 2008	Recount Official Inst. DRE and Optical Scan
2008	DE-II-OS 2008	Coordinator. Inst. DRE and Optical Scan
2008	DE-I-OS-PAPER - 2008 (added 12/2008)	Recount Official Inst. DRE and Optical Scan and Paper Ballots (new 12/11/08)
2008	DE-II-OS-PAPER - 2008 (added 2008)	Coordinator. Inst. DRE and Optical Scan and Paper Ballots (new 12/11/08)
2008	DE-I-PAPER 2008	Recount Official Inst. DRE and Paper ballots
2008	DE-II-PAPER 2008	Coordinator. Inst. DRE and Paper ballots
2008	OS-I 2008	Recount Official Inst. Optical Scan
2008	OS-II 2008	Coordinator. Inst. Optical Scan
2008	PB-I 2008	Recount Official Inst. Paper ballots only
2008	PB-II 2008	Coordinator. Inst. Paper ballots only
<b>2011</b>	<b>SBE-802-MA (New)</b>	<b>Precinct Manual Recount Tally Sheet (optional)</b>
<b>2011</b>	<b>SBE-802-CB</b> Source: § 24.2-802(D)(2nd paragraph after subsection (3))	<b>Challenged Ballots</b>
	<i>RENAMES</i>	
2008	654R2	Challenged ballots form

<b>2011</b>	<b>SBE-802-F</b> Source: § 24.2-802(F)	<b>Recount Reimbursement for Official/Alternate</b>
	<i>REPLACES</i>	
2008	653R6	Reimburse recount official form
2008	654R7	Reimburse alternate form
<b>2011</b>	<b>SBE-802-LS</b> Source: § 24.2-802(D)(3rd paragraph after subsection (3))	<b>Locality Summary of Recount Results (Completed by the Court)</b>
	<i>RENAMES</i>	
2008	654R4	County or City Results by Precinct (Completed by the Court)
<b>2011</b>	<b>SBE-802-CC</b> Source: § 24.2-802(D)(3rd paragraph after subsection (3))	<b>Court Certification of Recount Results (District Summary) (Completed by the Court)</b>
	<i>RENAMES</i>	
2008	654R5 (222R5)	Certification of Recount (Completed by the Court)
	<i>UPDATED</i>	
2011	Appendix C to Recount Standards	Recount Instructions (SBE-802-SBS) (current list proposed for adoption by Board and incorporation by reference into Recount Standards)

11/2011

# **Appendix B**

# **Ballot Examples for Handcounting Paper or Paper-based Ballots for Virginia Elections or Recounts**

## **State Board of Elections Commonwealth of Virginia**

This document is based on and considered part of the "Standards for Recounts of Virginia Elections, " originally promulgated August 20, 2001 (effective for elections held after that date), revised 5/14/02 (effective 7/1/02), revised 11/28/05 (effective immediately), and revised 6/26/07 (effective 7/1/07).<sup>1</sup> These Standards must be used whenever paper or paper-based ballots are recounted manually. In addition, the revised version of the Standards states:

**The State Board of Elections also directs that in the interest of uniformity whenever paper or paper-based ballots must be counted manually for whatever reason (outside of a recount), the local election officials shall use the accompanying "Ballot Examples for Handcounting Paper or Paper-based Ballots for Virginia Elections or Recounts" as guidance for such handcounts.**

The numbers below correspond to and quote directly from item 5(c) in the "Standards for Recounts of Virginia Elections."

**5(c) For any other ballot which is to be counted manually, and can be counted manually the following guidelines shall be used in determining the voter's intent.**

(1) As used below, the "target area" of the official ballot is the square next to the candidate's name on the paper ballot, the oval next to the candidate's name on the Accu-Vote ballot, or the incomplete arrow next to the candidate's name on the Optech ballot. The "candidate area" is the area between the lines separating candidate names, if the ballot includes such lines, or the area that is clearly closer to one candidate's name than another. The "candidate area" includes the candidate's name and party affiliation if listed, or "I" for any independent using that designation. These instructions only deal with marks that are under the office being recounted, except as provided in items 10 and 11.

(2) These instructions assume that the recount is for a single-seat office. That is, the voter was only permitted to vote for one candidate for the office. For multi-seat offices, the ballot shall be counted pursuant to the guidelines below so long as the voter has not voted for more candidates for that office than he is allowed to vote (in which case no votes are to be counted for the office).

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<sup>1</sup> Page 1a revised effective July 1, 2007 to reflect elimination of references to punchcard ballots.

(3) Any ballot which is properly marked (as specified for the type of ballot) in the target area for one candidate only for the office, shall be designated as a vote for that candidate.

Votes to be counted:

<p>Member House of Delegates 6th District (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Pullerbach, Sr. (P)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Chisholmberger (I)</p> <p><input type="checkbox"/> Barbara L. Montoya (R)</p>	<p>Member House of Delegates 6th District (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Pullerbach, Sr. (P)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Chisholmberger (I)</p> <p><input type="checkbox"/> Barbara L. Montoya (R)</p>	<p>Member House of Delegates 6th District (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Pullerbach, Sr. (P)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Chisholmberger (I)</p> <p><input type="checkbox"/> Barbara L. Montoya (R)</p>	<p>Member House of Delegates 6th District (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Pullerbach, Sr. (P)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Chisholmberger (I)</p> <p><input type="checkbox"/> Barbara L. Montoya (R)</p>
<p>Member House of Delegates 6th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Pullerbach, Sr. (P)</p> <p><input checked="" type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Chisholmberger (I)</p> <p><input type="checkbox"/> Barbara L. Montoya (R)</p>	<p>Member House of Delegates 6th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Pullerbach, Sr. (P)</p> <p><input checked="" type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Chisholmberger (I)</p> <p><input type="checkbox"/> Barbara L. Montoya (R)</p>	<p>Member House of Delegates 6th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Pullerbach, Sr. (P)</p> <p><input checked="" type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Chisholmberger (I)</p> <p><input type="checkbox"/> Barbara L. Montoya (R)</p>	<p>Member House of Delegates 6th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Pullerbach, Sr. (P)</p> <p><input checked="" type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Chisholmberger (I)</p> <p><input type="checkbox"/> Barbara L. Montoya (R)</p>
<p>Member House of Delegates 6th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Pullerbach, Sr. (P)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input checked="" type="checkbox"/> Thomas V. Chisholmberger (I)</p> <p><input type="checkbox"/> Barbara L. Montoya (R)</p>	<p>Member House of Delegates 6th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Pullerbach, Sr. (P)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input checked="" type="checkbox"/> Thomas V. Chisholmberger (I)</p> <p><input type="checkbox"/> Barbara L. Montoya (R)</p>	<p>Member House of Delegates 6th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Pullerbach, Sr. (P)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input checked="" type="checkbox"/> Thomas V. Chisholmberger (I)</p> <p><input type="checkbox"/> Barbara L. Montoya (R)</p>	<p>Member House of Delegates 6th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Pullerbach, Sr. (P)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input checked="" type="checkbox"/> Thomas V. Chisholmberger (I)</p> <p><input type="checkbox"/> Barbara L. Montoya (R)</p>

Votes to be counted:

<p>Member Senate of Virginia 13th District (Vote for no more than one)</p> <p><input checked="" type="radio"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="radio"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="radio"/> A. T. Doe (I)</p> <p><input type="radio"/> _____</p>	<p>Member Senate of Virginia 13th District (Vote for no more than one)</p> <p><input type="radio"/> George W. Fathbrucker, Jr. (R)</p> <p><input checked="" type="radio"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="radio"/> A. T. Doe (I)</p> <p><input type="radio"/> _____</p>	<p>Member Senate of Virginia 13th District (Vote for no more than one)</p> <p><input type="radio"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="radio"/> H. Thomas Blankenship, Jr. (D)</p> <p><input checked="" type="radio"/> A. T. Doe (I)</p> <p><input type="radio"/> _____</p>
<p>Lieutenant Governor (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input checked="" type="checkbox"/> H. T. Blankenship, Sr. (D)</p> <p><input checked="" type="checkbox"/> _____</p>	<p>Lieutenant Governor (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input checked="" type="checkbox"/> H. T. Blankenship, Sr. (D)</p> <p><input checked="" type="checkbox"/> _____</p>	<p>Lieutenant Governor (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input checked="" type="checkbox"/> H. T. Blankenship, Sr. (D)</p> <p><input checked="" type="checkbox"/> _____</p>

(4) If a write-in candidate is a party to the recount, a vote shall be counted for the write-in candidate if his name is written on the ballot under that office, even if the write-in square, oval or arrow is not marked, and provided that no other candidate is marked for that office.

Votes to be counted:

<p>Member House of Delegates 9th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Chickaburger (I)</p> <p><input type="checkbox"/> Barbara L. Stroup (I)</p> <p>X P. J. Roe</p>	<p>Member Senate of Virginia 13th District (Vote for no more than one)</p> <p><input type="radio"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="radio"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="radio"/> J. T. Doe (I)</p> <p><input checked="" type="radio"/> P. J. Roe</p>	<p>Lieutenant Governor (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input checked="" type="checkbox"/> H. T. Blankenship, Sr. (D)</p> <p><input checked="" type="checkbox"/> P. J. Roe</p>
<p>Member House of Delegates 9th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Chickaburger (I)</p> <p><input type="checkbox"/> Barbara L. Stroup (I)</p> <p>P. J. Roe</p>	<p>Member Senate of Virginia 13th District (Vote for no more than one)</p> <p><input type="radio"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="radio"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="radio"/> J. T. Doe (I)</p> <p><input checked="" type="radio"/> P. J. Roe</p>	<p>Lieutenant Governor (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input checked="" type="checkbox"/> H. T. Blankenship, Sr. (D)</p> <p><input checked="" type="checkbox"/> P. J. Roe</p>

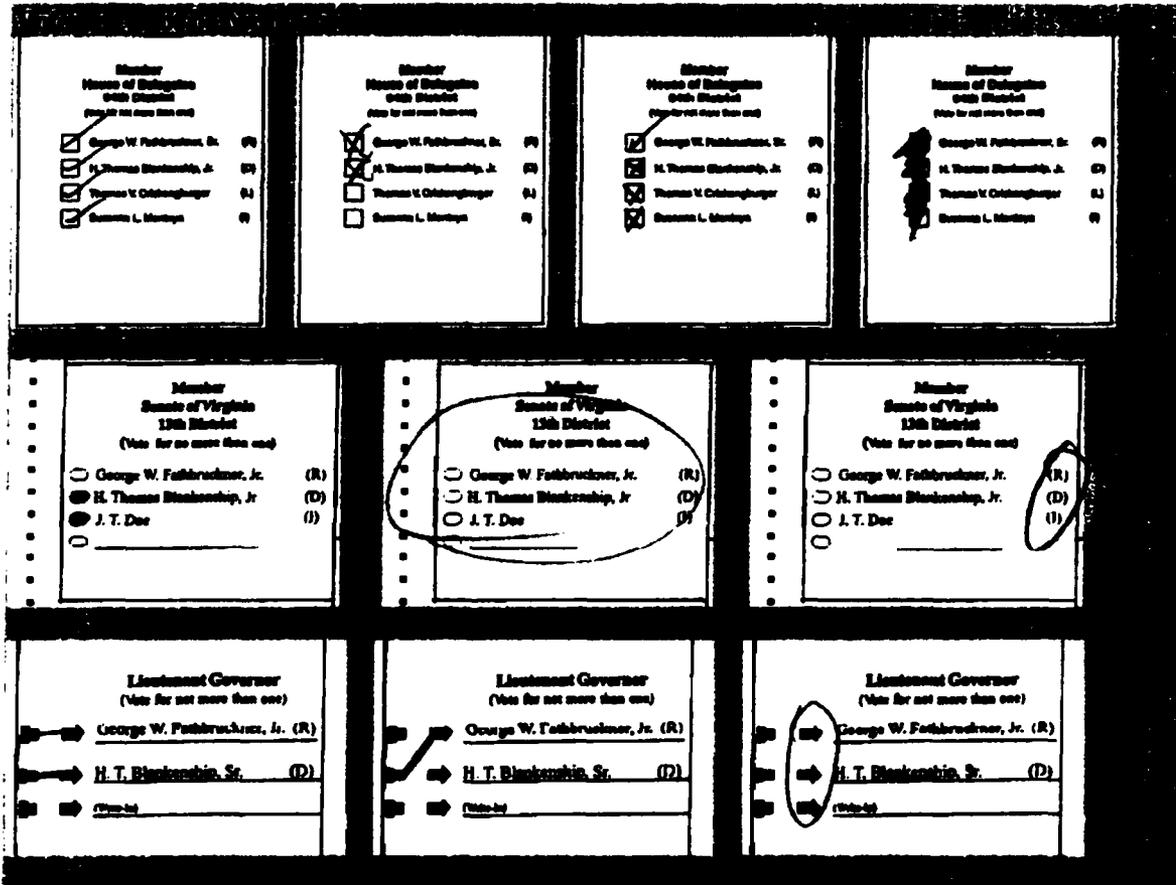
(4 continued) A write-in vote for a candidate whose name appears on the ballot for the same office may not be counted.

<p><b>Member</b> House of Delegates 6th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Faltbrunser, Sr. (R)  <input type="checkbox"/> H. Thomas Blankenship, Jr. (D)  <input type="checkbox"/> Thomas V. Ochsbergberger (I)  <input type="checkbox"/> Barbara L. Montoya (I)</p> <p><i>T. Crickenburg</i></p>	<p><b>Member</b> House of Delegates 6th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Faltbrunser, Sr. (R)  <input type="checkbox"/> H. Thomas Blankenship, Jr. (D)  <input type="checkbox"/> Thomas V. Ochsbergberger (I)  <input type="checkbox"/> Barbara L. Montoya (I)</p> <p><i>X Susie Montoya</i></p>	<p><b>Member</b> House of Delegates 6th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Faltbrunser, Sr. (R)  <input type="checkbox"/> H. Thomas Blankenship, Jr. (D)  <input type="checkbox"/> Thomas V. Ochsbergberger (I)  <input type="checkbox"/> Barbara L. Montoya (I)</p> <p><i>Thomas Blankenship</i></p>
<p><b>Member</b> Senate of Virginia 13th District (Vote for no more than one)</p> <p><input type="radio"/> George W. Faltbrunser, Jr. (R)  <input type="radio"/> H. Thomas Blankenship, Jr. (D)  <input type="radio"/> J. T. Doe (I)</p> <p><i>Blankenship</i></p>	<p><b>Lieutenant Governor</b> (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Faltbrunser, Jr. (R)  <input checked="" type="checkbox"/> H. T. Blankenship, Sr. (D)  <input checked="" type="checkbox"/> <i>George W. Faltbrunser</i></p>	

(4 continued) A write-in vote in addition to a vote for another candidate for the office is an overvote and no vote shall be counted.

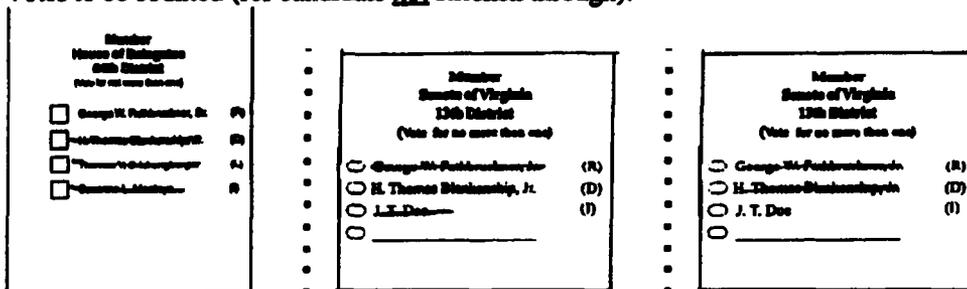
<p><b>Member</b> House of Delegates 6th District (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Faltbrunser, Sr. (R)  <input type="checkbox"/> H. Thomas Blankenship, Jr. (D)  <input type="checkbox"/> Thomas V. Ochsbergberger (I)  <input type="checkbox"/> Barbara L. Montoya (I)</p> <p><i>PJ Roe</i></p>	<p><b>Member</b> Senate of Virginia 13th District (Vote for no more than one)</p> <p><input type="radio"/> George W. Faltbrunser, Jr. (R)  <input type="radio"/> H. Thomas Blankenship, Jr. (D)  <input checked="" type="radio"/> J. T. Doe (I)</p> <p><i>PJ Roe</i></p>	<p><b>Lieutenant Governor</b> (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Faltbrunser, Jr. (R)  <input checked="" type="checkbox"/> H. T. Blankenship, Sr. (D)  <input checked="" type="checkbox"/> <i>PJ Roe</i></p>
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(5) Any ballot which is marked for more than one candidate for the office shall be deemed an overvote and no vote shall be counted except as provided in this section.



(5 continued) However, if more than two candidates had their names printed on the ballot for the office, and the names of all but one candidate are stricken through, that ballot shall be counted for the one candidate whose name was not stricken through.

Votes to be counted (for candidate not stricken through):



(5 continued) If there are identical marks for two or more candidates, clarified by an additional mark or marks that appear to indicate support, the ballot shall be counted as a vote for the candidate with the additional, clarifying marks.

Votes to be counted (for candidate with additional clarifying mark):

Member House of Delegates 6th District (Vote for not more than one)

- George W. Fathbrucker, Jr. (P)
- H. Thomas Blankenship, Jr. (D)
- Thomas V. Chalmers (S)
- Stephen L. Morley (I)

Member House of Delegates 6th District (Vote for not more than one)

- George W. Fathbrucker, Jr. (P)
- H. Thomas Blankenship, Jr. (D)
- Thomas V. Chalmers (S)
- Stephen L. Morley (I)

Member House of Delegates 6th District (Vote for not more than one)

- George W. Fathbrucker, Jr. (P)
- H. Thomas Blankenship, Jr. (D)
- Thomas V. Chalmers (S)
- Stephen L. Morley (I)

Member House of Delegates 6th District (Vote for not more than one)

- George W. Fathbrucker, Jr. (P)
- H. Thomas Blankenship, Jr. (D)
- Thomas V. Chalmers (S)
- Stephen L. Morley (I)

Member Senate of Virginia 13th District (Vote for no more than one)

- George W. Fathbrucker, Jr. (R)
- H. Thomas Blankenship, Jr. (D)
- J. T. Doe (I)

Lieutenant Governor (Vote for not more than one)

- George W. Fathbrucker, Jr. (R)
- H. T. Blankenship, Sr. (D)
- Write-in

(6) Any ballot which has any other mark or marks in the target area or candidate area for one candidate only, including circling the target area and/or the candidate's name or making a mark through the target area or candidate's name, provided no other candidate for that office is similarly marked, shall be counted as a vote for that candidate

Votes to be counted:

Member House of Delegates 6th District (Vote for not more than one)

- George W. Fathbrucker, Jr. (P)
- H. Thomas Blankenship, Jr. (D)
- Thomas V. Chalmers (S)
- Stephen L. Morley (I)

Member House of Delegates 6th District (Vote for not more than one)

- George W. Fathbrucker, Jr. (P)
- H. Thomas Blankenship, Jr. (D)
- Thomas V. Chalmers (S)
- Stephen L. Morley (I)

Member House of Delegates 6th District (Vote for not more than one)

- George W. Fathbrucker, Jr. (P)
- H. Thomas Blankenship, Jr. (D)
- Thomas V. Chalmers (S)
- Stephen L. Morley (I)

Member House of Delegates 6th District (Vote for not more than one)

- George W. Fathbrucker, Jr. (P)
- H. Thomas Blankenship, Jr. (D)
- Thomas V. Chalmers (S)
- Stephen L. Morley (I)

Member House of Delegates 6th District (Vote for not more than one)

- George W. Fathbrucker, Jr. (P)
- H. Thomas Blankenship, Jr. (D)
- Thomas V. Chalmers (S)
- Stephen L. Morley (I)

Member House of Delegates 6th District (Vote for not more than one)

- George W. Fathbrucker, Jr. (P)
- H. Thomas Blankenship, Jr. (D)
- Thomas V. Chalmers (S)
- Stephen L. Morley (I)

Member House of Delegates 6th District (Vote for not more than one)

- George W. Fathbrucker, Jr. (P)
- H. Thomas Blankenship, Jr. (D)
- Thomas V. Chalmers (S)
- Stephen L. Morley (I)

Member House of Delegates 6th District (Vote for not more than one)

- George W. Fathbrucker, Jr. (P)
- H. Thomas Blankenship, Jr. (D)
- Thomas V. Chalmers (S)
- Stephen L. Morley (I)

Votes to be counted:

<p>Member House of Delegates 9th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Orloughanger (I)</p> <p><input type="checkbox"/> Suzanne L. Montoya (I)</p> <p><i>Handwritten: HCL</i></p>	<p>Member House of Delegates 9th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Orloughanger (I)</p> <p><input type="checkbox"/> Suzanne L. Montoya (I)</p>	<p>Member House of Delegates 9th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Orloughanger (I)</p> <p><input type="checkbox"/> Suzanne L. Montoya (I)</p> <p><i>Handwritten: This one</i></p>	<p>Member House of Delegates 9th District (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Orloughanger (I)</p> <p><input type="checkbox"/> Suzanne L. Montoya (I)</p>
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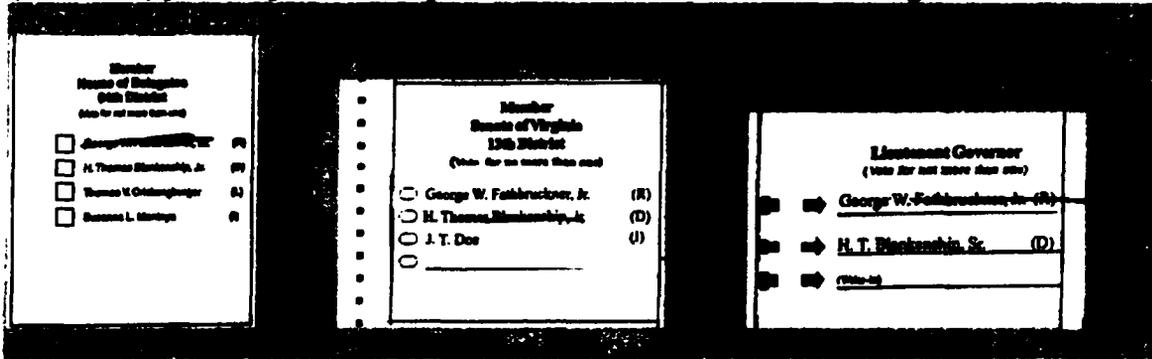
<p>Member Senate of Virginia 13th District (Vote for no more than one)</p> <p><input checked="" type="radio"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="radio"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="radio"/> J. T. Doe (I)</p>	<p>Member Senate of Virginia 13th District (Vote for no more than one)</p> <p><input type="radio"/> George W. Fathbrucker, Jr. (R)</p> <p><input checked="" type="radio"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="radio"/> J. T. Doe (I)</p>	<p>Member Senate of Virginia 13th District (Vote for no more than one)</p> <p><input checked="" type="radio"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="radio"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="radio"/> J. T. Doe (I)</p>
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<p>Lieutenant Governor (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="checkbox"/> H. T. Blankenship, Sr. (D)</p> <p><input type="checkbox"/> (Write-in)</p>	<p>Lieutenant Governor (Vote for not more than one)</p> <p><input checked="" type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="checkbox"/> H. T. Blankenship, Sr. (D)</p> <p><input type="checkbox"/> (Write-in)</p>	<p>Lieutenant Governor (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input checked="" type="checkbox"/> H. T. Blankenship, Sr. (D)</p> <p><input type="checkbox"/> (Write-in)</p>
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(6 continued) unless the mark is a clearly negative or extraneous comment

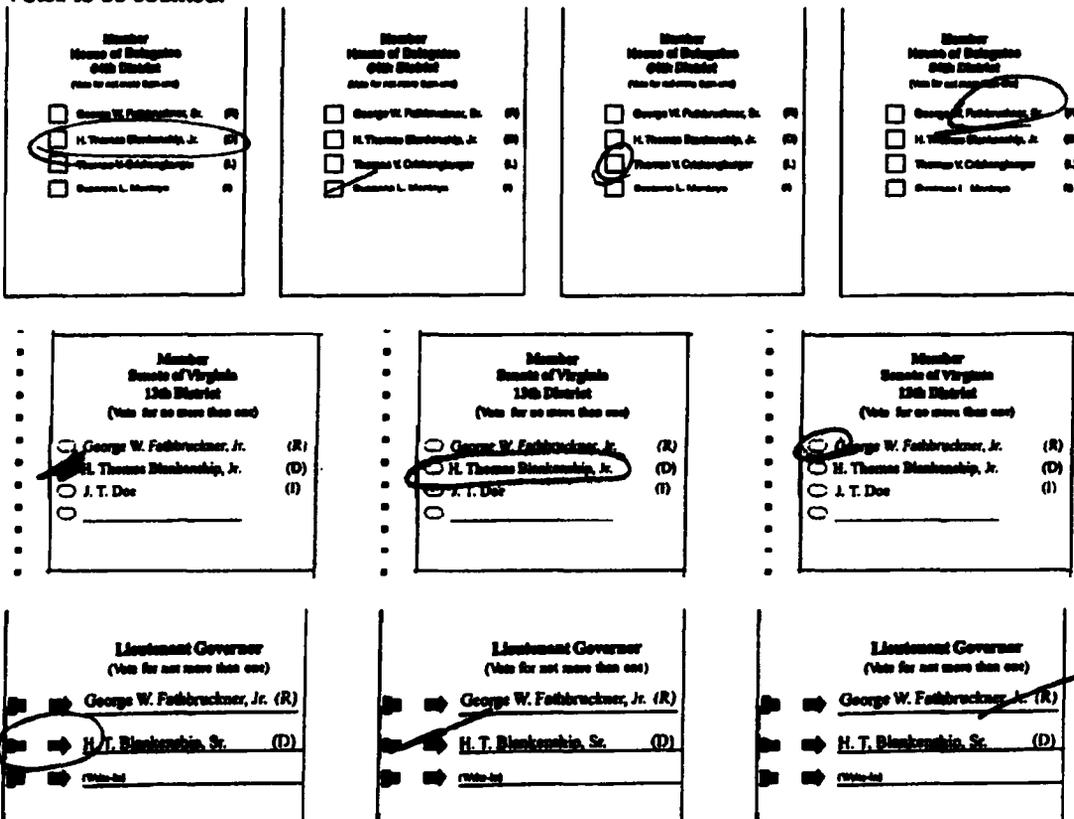
<p>Member House of Delegates 9th District (Vote for not more than one)</p> <p><input type="checkbox"/> <i>NO</i> George W. Fathbrucker, Jr. (R)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Orloughanger (I)</p> <p><input type="checkbox"/> Suzanne L. Montoya (I)</p>	<p>Member House of Delegates 9th District (Vote for not more than one)</p> <p><input type="checkbox"/> <i>None</i> George W. Fathbrucker, Jr. (R)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Orloughanger (I)</p> <p><input type="checkbox"/> Suzanne L. Montoya (I)</p>	<p>Member House of Delegates 9th District (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="checkbox"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="checkbox"/> Thomas V. Orloughanger (I)</p> <p><input type="checkbox"/> Suzanne L. Montoya (I)</p> <p><i>Handwritten: NONE OF THE ABOVE</i></p>
<p>Member Senate of Virginia 13th District (Vote for no more than one)</p> <p><input type="radio"/> George W. Fathbrucker, Jr. (R)</p> <p><input type="radio"/> H. Thomas Blankenship, Jr. (D)</p> <p><input type="radio"/> J. T. Doe (I)</p> <p><i>Handwritten: None</i></p>	<p>Lieutenant Governor (Vote for not more than one)</p> <p><input type="checkbox"/> George W. Fathbrucker, Jr. (R)</p> <p><input checked="" type="checkbox"/> <i>None</i> H. T. Blankenship, Sr. (D)</p> <p><input type="checkbox"/> (Write-in)</p>	

(6 continued) [or unless] a substantial part of the candidates name is crossed through or stricken out.



(7) Any ballot which has a mark or marks in the target area or candidate area for one candidate, which extend partially into one or more other target areas or candidate areas, shall be counted as a vote for the candidate so marked only if it is readily apparent that at least 3/4ths of the mark is in that candidate's area or target area, and no other candidate is similarly marked.

Votes to be counted:



(7 continued) Other such marks, extending across more than one candidate areas, may be counted if the lines of the "x" or the bottom point of the check mark (✓) clearly lie inside the box or on top of the name or party affiliation or candidate area of one candidate, and no other candidate is similarly marked.

Votes to be counted:

Member  
House of Delegates  
9th District  
(Vote for not more than one)

George W. Fathbrucker, Jr. (R)  
 H. Thomas Blankenship, Jr. (D)  
 Thomas V. Chickeringberger (I)  
 Bennett L. Harveys (I)

Member  
Senate of Virginia  
13th District  
(Vote for no more than one)

George W. Fathbrucker, Jr. (R)  
 H. Thomas Blankenship, Jr. (D)  
 J. T. Doe (I)  
 \_\_\_\_\_

Lieutenant Governor  
(Vote for not more than one)

George W. Fathbrucker, Jr. (R)  
 H. T. Blankenship, Sr. (D)  
 \_\_\_\_\_

Votes to be counted:

Member  
House of Delegates  
9th District  
(Vote for not more than one)

George W. Fathbrucker, Jr. (R)  
 H. Thomas Blankenship, Jr. (D)  
 Thomas V. Chickeringberger (I)  
 Bennett L. Harveys (I)

Member  
Senate of Virginia  
13th District  
(Vote for no more than one)

George W. Fathbrucker, Jr. (R)  
 H. Thomas Blankenship, Jr. (D)  
 J. T. Doe (I)  
 \_\_\_\_\_

Lieutenant Governor  
(Vote for not more than one)

George W. Fathbrucker, Jr. (R)  
 H. T. Blankenship, Sr. (D)  
 \_\_\_\_\_

(8) Any ballot which has any mark, as above, in the target area or candidate area for one candidate, and on which other marks in the target areas or candidate areas for any other candidates have been partially erased, scratched out, or otherwise obliterated, shall be counted as a vote for the candidate for which the mark was not erased, scratched out or otherwise obliterated, provided no other candidate is similarly marked.

Votes to be counted:

Member  
House of Delegates  
9th District  
(Vote for not more than one)

George W. Fathbrucker, Jr. (R)  
 H. Thomas Blankenship, Jr. (D)  
 Thomas V. Chickeringberger (I)  
 Bennett L. Harveys (I)

Member  
Senate of Virginia  
13th District  
(Vote for no more than one)

George W. Fathbrucker, Jr. (R)  
 H. Thomas Blankenship, Jr. (D)  
 J. T. Doe (I)  
 \_\_\_\_\_

Lieutenant Governor  
(Vote for not more than one)

George W. Fathbrucker, Jr. (R)  
 H. T. Blankenship, Sr. (D)  
 \_\_\_\_\_

Member  
House of Delegates  
6th District  
(Vote for not more than one)

George W. Fathbrucker, Jr. (R)

H. Thomas Blankenship, Jr. (D)

Thomas V. Ochsengraber (I)

Bennett L. Montoya (I)

Lieutenant Governor  
(Vote for not more than one)

George W. Fathbrucker, Jr. (R)

H. T. Blankenship, Sr. (D)

(Write-in)

(9) Any ballot which has a mark that is clearly next to (either before or after) a candidate's name, or across the name, shall be recognized as a mark under items 1-6 above. Similarly, a mark between or over the "timing marks" of the ballot, that are clearly opposite or next to one candidate's name and not near another candidate's name, shall be recognized as a mark. (The "timing marks" are the small lines or boxes running down the right and/or left sides of certain electronically read or scanned ballots, which line up the ballot in the reader.)

Votes to be counted:

Member  
House of Delegates  
6th District  
(Vote for not more than one)

George W. Fathbrucker, Jr. (R)

H. Thomas Blankenship, Jr. (D)

Thomas V. Ochsengraber (I)

Bennett L. Montoya (I)

Member  
Senate of Virginia  
13th District  
(Vote for no more than one)

George W. Fathbrucker, Jr. (R)

H. Thomas Blankenship, Jr. (D)

J. T. Doe (I)

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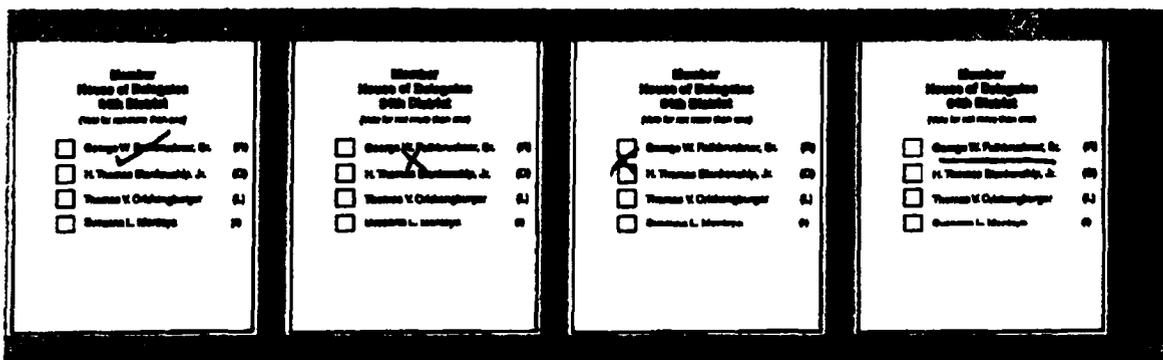
Lieutenant Governor  
(Vote for not more than one)

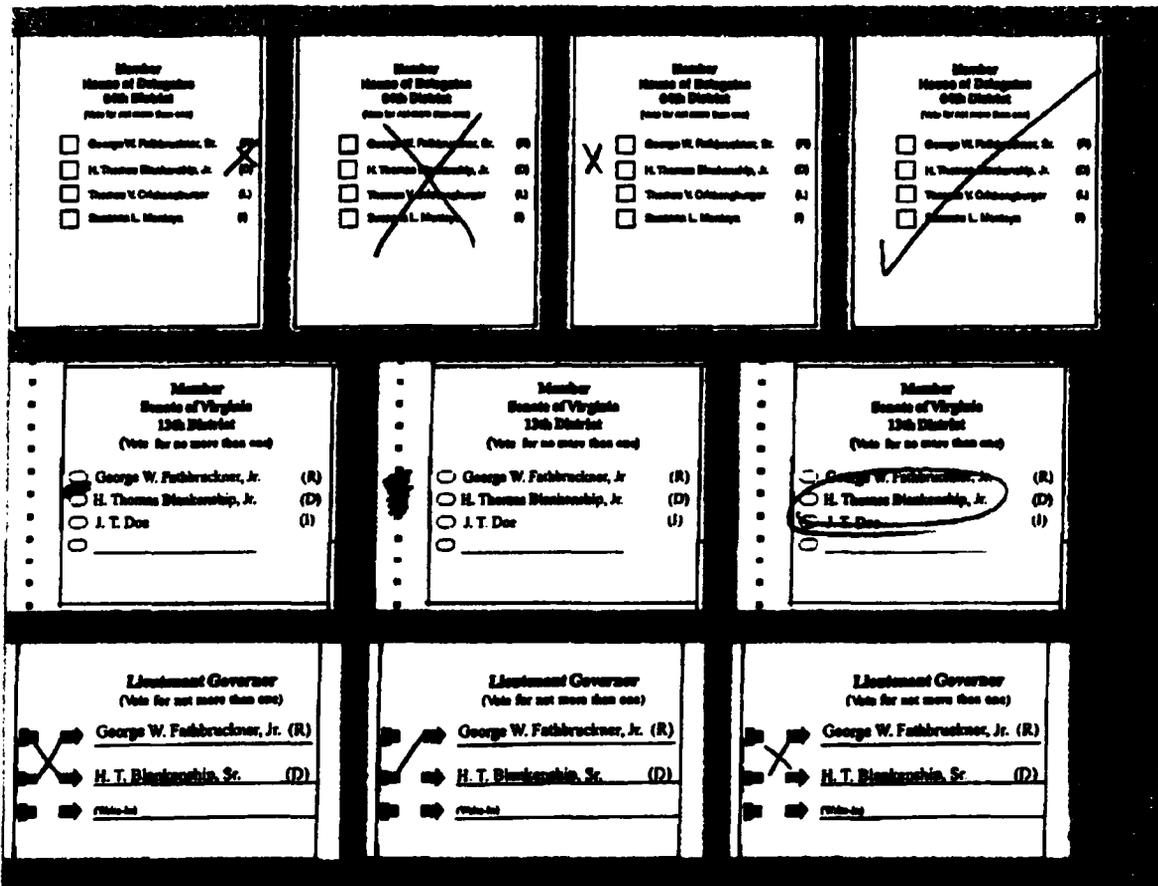
George W. Fathbrucker, Jr. (R)

H. T. Blankenship, Sr. (D)

(Write-in)

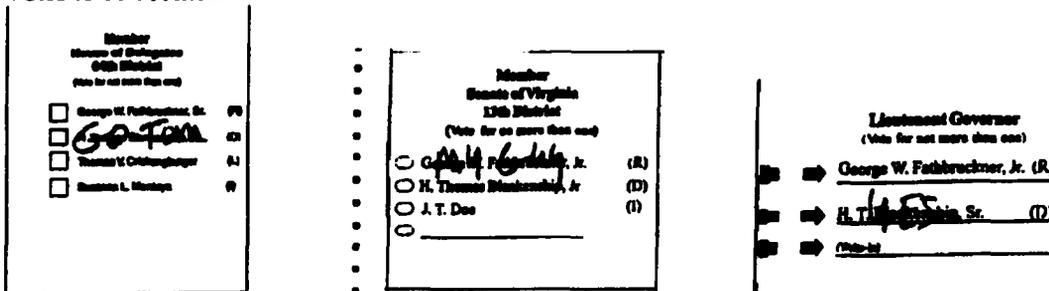
(9 continued) A mark that is between or across more than one candidates' names, candidate areas or target areas shall not be recognized as a mark except under items 5 and 6 above.



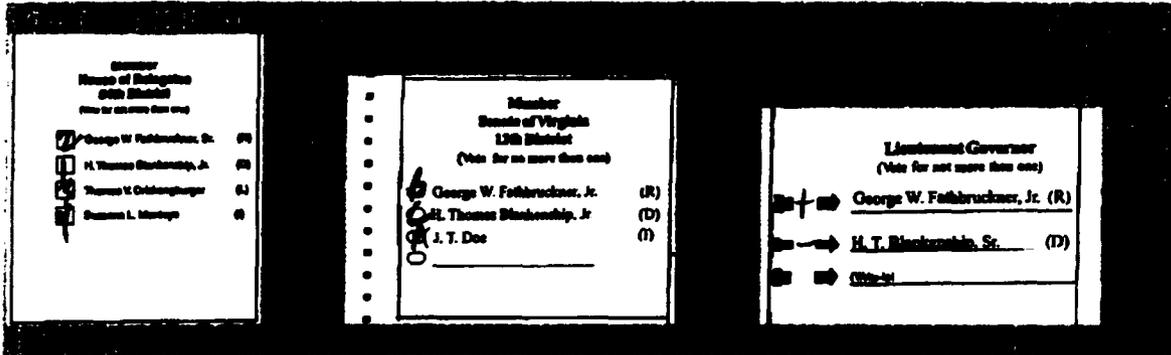


(10) Any other writing or remark on the ballot (other than a write-in unless a write-in candidate is a party to the recount) which clearly indicates the voter's support for one and only one candidate for the office that is the subject of the recount, and which cannot be interpreted as a remark in favor of any other candidate in that election, shall be counted as a vote for that candidate.

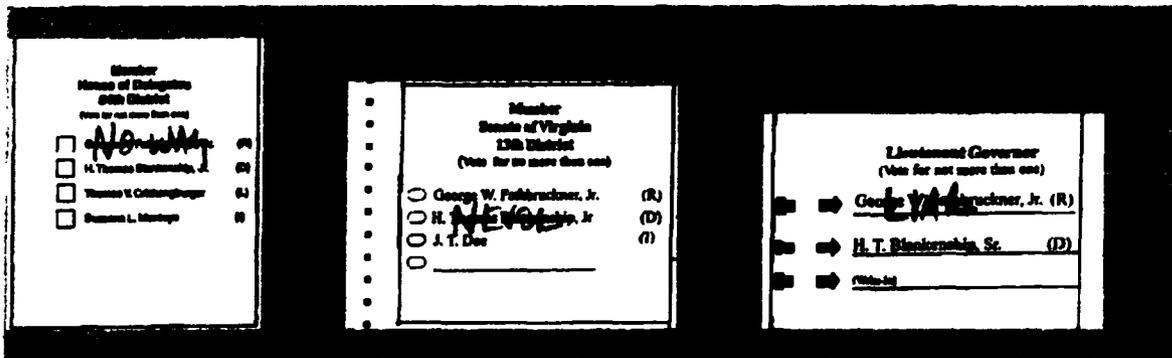
Votes to be counted:



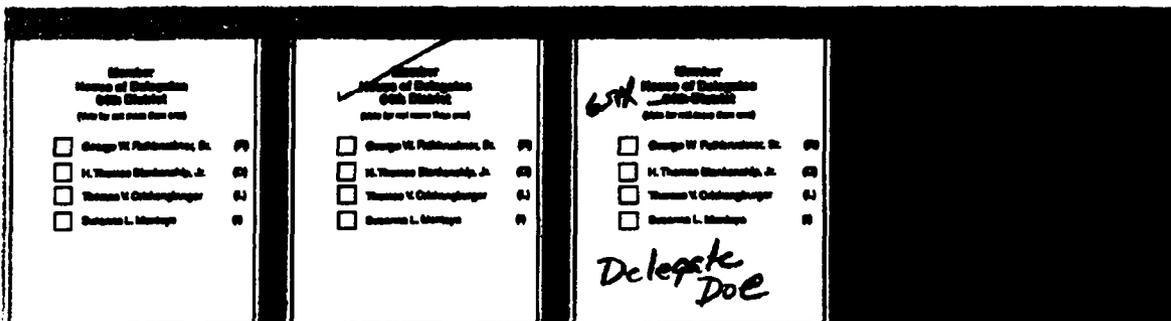
(10 continued) Writings or remarks which appear to be ranking the candidates (letters, numbers, +/-, etc.) shall not be considered valid marks unless only one candidate is marked and no other candidate is similarly marked.



(11) Any other writing or remark on the ballot which indicates the voter's opposition to one or more candidates, provided the ballot is not so marked as to indicate which candidate the voter supports, shall not be counted as a vote for any candidate.



(12) Any ballot on which there is no mark under the office, or any other remark indicating support for a candidate for the office, shall not be counted as a vote for any candidate.



Member Senate of Virginia 15th District (Vote for no more than one)		Lieutenant Governor (Vote for not more than one)	
<input type="radio"/>	George W. Fathbrucker, Jr. (R)	<input checked="" type="checkbox"/>	George W. Fathbrucker, Jr. (R)
<input type="radio"/>	H. Thomas Blankenship, Jr. (D)	<input checked="" type="checkbox"/>	H. T. Blankenship, Sr. (D)
<input type="radio"/>	J. T. Doe (I)	<input type="checkbox"/>	(Write-in)
<input type="radio"/>	_____	<input type="checkbox"/>	_____

Virginia State Board of Elections  
 RLB: Recount Examples 10/31/01

Revised 5/14/02, Revisions effective 7/1/02