

February 25, 2008

Agenda Item H2, Review of Recount manual

Dear Members of the Government Accountability Board:

Please request that your staff develop a thorough checklist for recounts. The purpose is to ensure that all steps in a recount are performed for all wards. In addition, the recount manual needs improvement.

One of my major concerns is that citizens have confidence that the ballots are being counted correctly. Under our current law, the best method we have to determine if a contest is tabulated correctly is the logic and accuracy test. This consists of sending a test deck of ballots through the machine and checking the result. Statute 5.90 mandates that this public test be done by the Board of Canvassers as part of the recount.

I have observed five recounts in the last two years. In three of the five, **they skipped this test completely**. In a fourth, they conducted a perfunctory test after I prompted them about it. In one recount, they actually did it without my prompting.

A recount checklist would include a place for a member of the Board of Canvassers to initial each step for each ward. It should also include the printed names and signatures of all members of the Board of Canvassers. A checklist example is attached. An essential element is the contemporaneous initialing of each item for each ward.

Your staff should make a draft of this checklist available to clerks for trial for the April election, where there are often many recounts due to the large number of local contests. The clerks can then give feedback and the checklist can be improved for the fall.

The recount manual needs these improvements:

Add a table of contents, an index, and page numbers. These will make it easier to look up specific questions that occur during the recount.

Add statute numbers for reference at every opportunity. This adds credibility and helps people find the primary reference.

In the list of supplies to have on hand, add a test deck for conducting the logic and accuracy test. Add a speakerphone to the list. Outside consultations are mentioned under "Counting the ballots", and they must be audible to all present in order to comply with open meetings law.

The "Sample Format for Recount Minutes" should mention reporting on the logic and accuracy test results.

An appendix to the manual contains relevant parts of the statutes. Add 7.50, Elector Intent, to this appendix.

Sincerely,

Paul Malischke

Recount checklist

Municipality or County _____ Date _____
 Ward # _____ Contest _____

The checklist is to be completed **contemporaneously for each ward** in the recount. A member of the Board of Canvassers is to initial each step as it is completed. The completed form is to be kept as a record. Printouts of the tally from the tabulator, and also of the tabulator test conducted by the Board of Canvassers, are to be attached to the back.

Each item must be done for each ward or reporting unit, unless the italicized factors are met.

Members of Bd of Can. Printed Name	Signature

Initial Here

- _____ Review voter lists (statute--, page--)
- _____ Absentee ballot review: number, applications, rejected, defective envelopes.
- _____ Ballot container security seal # _____ matches seal number listed on _____
- _____ Ballot Count (statute--, page--)
- _____ Review of ballots marked “rejected”, “defective”, or “objected to”.
- _____ Review of “duplicate damaged ballots”. (statute--, page--)
- _____ Separation of absentee ballots and drawdown. *(May be skipped if the number of absentee ballots equals the number of proper envelopes.)*
- _____ Treatment of excess ballots *(May be skipped if the number of voters equals or exceeds the number of ballots.)*
- _____ Review of provisional and late arriving military ballots (statute--, page--)
- _____ Manually screen the ballots for ones that may not be recorded correctly by the tabulator. Review for voter intent and count separately.
- _____ Test the automatic tabulator per statute 5.90 and 5.84. Attach the printed results to the back of this sheet. Serial number of the memory card tested. _____
(This test may be skipped if the Board of Canvassers has conducted a previous test as part of this recount on the same memory card and machine that will be used for this ward.)
- _____ Tally ballots on the automatic tabulator. Serial number of the memory card used for this ward _____ (write “same” if same as above). Attach the printed results to the back.
- _____ Add in any votes counted separately, and prepare statement of the revised result.
Example of a format for a checklist for optical scan ballots, Feb 25 2008 draft by Paul Malischke