



# NEW HAMPSHIRE SECRETARY OF STATE

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### Recount Procedures

### State General Elections

#### Overview:

The Secretary of State will conduct all recounts according to RSA 660 – Post-Election Procedure.

All recounts, including location and time, will be published on the Secretary of State's website. Recounts will start no earlier than the published time but may be delayed if earlier recounts or audits take longer than scheduled. All recounts are open to the public.

Secretary of State staff will ensure that all boxes of ballots and other election materials received from the town/city clerk are transferred from secured storage to the recount teams. Each box will have a unique NH Archives & Records Management box number.

The Secretary of State will assign at least one team of two people for each scheduled recount.

Each candidate will receive a letter detailing how many two-person teams will be conducting her or his recount. At the discretion of the Secretary of State and with prior approval of all candidates in a race being recounted, the number of teams may be increased or decreased.

Each recount team's station will be labeled with the race they are recounting. If multiple towns or wards are in the recounted race, the label will state which town or ward that station is recounting.

At each station, the recount team will be on one side of the table. The space on the opposite side of the table is reserved for each candidate, the candidate's counsel, or the candidate's designee – one individual for each candidate – to sit, observe, and exercise their right to protest the recounting of or failure to recount any ballot or absentee material. Additional observers may stand behind the candidates or designees.

There will be a projection system at each station. The projection system consists of two cameras (one at each recounter's portion of the table), with each projected onto two monitors (four monitors total), facing the candidates or designees. The projection system shows the ballots and tally sheet to the observers and can be adjusted by the recounters at the request of a candidate or designee; the cameras do not record.

Each recount team will have a tally sheet pre-labeled with the race being recounted and the candidates' names that are printed on the ballot. The team will record the NH Archives & Records Management box number they are assigned to count, the town/city ward the box is from, the number of ballots being counted, their names, and the date in the appropriate places on the tally sheet.

At the beginning of each recount, the recounters will introduce themselves, identify the candidate and/or counsel or designee, and instruct them in recount procedure:

- a. Candidates or designees will be instructed that they can control the tempo of the recount, that they will be shown every cast ballot, that only candidates or designees may lodge a challenge against how a cast ballot is recounted or not recounted, and that they shall not touch any ballots.
- b. Candidates, designees, and observers will be instructed that there shall be no writing utensils, food, or drink allowed on the recount table, and that any conversations must be taken outside of the recount room.
  - i. With the exception of water, food and other drinks are prohibited in the Archives Research Room.

The Secretary of State or designee will open all the boxes from each race in view of the candidates or designees and observers of the race. Once all ballots or other election materials have been removed from a box and observed, the box will be shown to observers to confirm it is empty and placed back on the recount station.

- If the box contains cast ballots, the number of ballots will be determined, and then placed on the recount station for sorting and recounting by the recount team.
- If the box contains uncast ballots, recounters will fan them in groups at a time so that all candidates or designees can see that all ballots are uncast. Once complete, observers will be shown that the box is empty, and the box will be repacked. Uncast ballots are not counted.
- If the box contains absentee envelopes, recounters will slightly bend all absentee envelopes to ensure that there are no absentee ballots without proper rejection reasons.
  - Show observers and designees the envelopes that are properly rejected.
  - If an absentee ballot with no proper rejection reason is found, recounters will inform the Secretary of State or designee.
  - Once complete, observers will be shown that the box is empty, and the box will be repacked.
- In limited circumstances, the Secretary of State may deem it appropriate to split a box of ballots between two counting teams. In that case, both counting

teams will properly identify their box of ballots on their tally sheet and ensure that all ballots are returned to the correct box.

Each candidate or designee shall have the right to challenge the recounting of or failure to recount any cast ballot. The Secretary of State will rule on said ballot and, if a candidate or designee further challenges how the ballot was recounted, attach a memorandum stating such ruling, the box number the ballot came from, and the name of the candidate making the challenge. All challenged ballots with memorandums will be placed in envelopes and securely stored. The challenged ballots will be presented to the Ballot Law Commission if an appeal to the recount result is made.

If, at any time during the recounting of the ballots, a discrepancy appears in any ballot for any reason, the Secretary of State will suspend the recount until the discrepancy is resolved, at which time the Secretary of State shall continue the recount. In no event shall a discrepancy result in a second recount for the same candidate.

The Secretary of State or designee will create a summary of all tally sheets for each recount. The summary sheet will compare the recount results to the election night results.

For each recount, the Secretary of State will review election materials certified by local election officials prior to announcing the results of a recount.

The Secretary of State will declare the result of the recount which shall be final unless the result is changed because of a successful appeal made to the Ballot Law Commission. The results of the recount will be posted on the Secretary of State's website.

Copies of tally sheets and summary tally sheets will be available after the results of a recount are announced.

### **Sorting Ballots:**

Ballots are sorted and the total number of ballots is determined prior to recounting. For each box of cast ballots, the number of ballots to be recounted will be determined by hand or machine count and documented on the tally sheet prior to sorting into piles. The ballots will be recounted in batches. A new tally sheet shall be used for each batch. The sorting and recounting of ballots is dependent on the number of candidates that will be elected to office. For each batch of ballots:

1. Sorting in a general election with **'Vote for not more than 1.'** – Recounters will sort all ballots into the following piles:
  - a. Democratic Candidate
  - b. Republican Candidate

- c. Third-Party Candidate(s) if applicable
  - d. Undervote – no vote for any candidate
  - e. Overvote – votes for more than one candidate
  - f. Write-in
    - i. If a write-in is for a candidate printed on the ballot in the race being recounted, the write-in ballot will be included in the appropriate candidate pile as if the voter filled in the oval for that candidate.
2. Sorting in a general election with **'Vote for up to X.'** – Recounters will sort all ballots into the following piles:
- a. Straight Democratic ticket
    - i. If, in a vote for up to 3, for example, a voter votes for all three Democratic candidates, the ballot will be placed in this pile. If the voter votes for two Democratic candidates and undervotes one, ballot goes in the 'Mixed Voting' pile.
  - b. Straight Republican ticket
    - i. If, in a vote for up to 3, for example, a voter votes for all three Republican candidates, the ballot will be placed in this pile. If the voter votes for two Republican candidates and undervotes one, the ballot goes in the 'Mixed Voting' pile.
  - c. Straight Third-Party Candidate, if applicable
    - i. If, in a vote for up to 3, for example, a voter votes for three 3<sup>rd</sup> party candidates, the ballot will be placed in this pile. If the voter votes for two 3<sup>rd</sup> party candidates, or if there are only two 3<sup>rd</sup> party candidates, and the voter undervotes one, the ballot goes in the 'Mixed Voting' pile.
  - d. Mixed Voting
    - i. Any ballot where the voter voted for candidates across parties, voted for a candidate and undervoted, or wrote-in any number of candidates, the ballot will be placed in this pile.
  - e. Straight Undervotes
    - i. If a voter does not vote for any candidate or write-in option, the ballot will be placed in this pile.
  - f. Overvotes

- i. If a voter votes for more than the number of candidates being elected to the office, the ballot will be placed in the pile.

### **Counting Ballots:**

1. Counting Ballots for a general election – **‘Vote for not more than 1.’** –
  - a. Beginning with the pile of Undervoted ballots;
    - i. The first recounter will show all ballots to candidates, designees, and observers by placing the ballot under the camera and audibly counting out 25 ballots. Each ballot will be visible as they are counted (as opposed to counting the corner of the ballot or shuffling the ballots).
    - ii. The second recounter checks this count of 25 ballots. Each ballot will be visible as they are recounted.
    - iii. Once the 25 ballots are confirmed, the pile of 25 ballots is placed to the side.
    - ii. Once the second set of 25 ballots is confirmed, this pile of ballots is placed perpendicularly on top of the first set of ballots and continues in this manner for all sets of 25 ballots.
    - iii. Once all ballots are counted, one member of the recounting team will count the piles of 25 ballots out loud – 25, 50, 75, 100, etc. – stack the piles in groups of 100 and repeat for any remaining ballots.
    - iv. Once all piles are recounted, including any piles that amount to less than 25 ballots, the recounters will record that number in the appropriate place on the tally sheet and announce to the designees and observers that those ballots are being placed back in the box.
  - b. Repeat step 1.a. for the following sorted piles – Democratic, Republican, Third Party, and Overvote.
  - c. For ballots with write-in votes, one recounter will read what is written in. If a write-in is for a candidate printed on the ballot in the race being recounted, the recounter will record one tally for that candidate as if the voter filled in the oval for that candidate. For all write-ins that are not printed on the ballot, the recounter will record one tally in the write-in tally area.
2. Counting in a general election with **‘Vote for up to X.’**
  - a. For all sorted piles except ‘Mixed Voting,’ complete counting ballots steps 1.a. – 1.b. above.

- i. For Straight Democratic, Straight Republican, and Straight Third-Party Candidate piles, recounters will record the recount total from each pile next to each candidate's name on the tally sheet.
    - ii. For each Straight Undervoted ballot, recounters will record the recount total times X undervotes on the tally sheet where X equals the number of candidates to be elected.
    - iii. For each Overvoted ballot, regardless of how many ovals the voter filled-in, recounters will record the recount total times X overvotes on the tally sheet where X equals the number of candidates to be elected.
  - b. For Mixed Voting ballots, for each vote, one recounter will read off the name of the candidate voted for – or undervote – while the other recounter marks that vote as a tally in appropriate place on the tally sheet. For ballots with write-in votes, one recounter will read off the name of the candidate voted for. If a write-in is for a candidate printed on the ballot in the race being recounted, the recounter will record one tally for that candidate as if the voter filled in the oval for that candidate. For all write-ins that are not printed on the ballot, the recounter will record one tally in the write-in tally area.
3. Both the ballots and the tally sheet will be positioned under the cameras in such a manner that candidates, designees, and observers can clearly see both on their screens at all times.
4. The recounters will document the sum of all votes (votes for a candidate, plus undervotes, plus overvotes, plus write-ins all divided by the number of candidates to be elected) on their tally sheet and compare to the number of ballots. If a variance exists between the number of the ballots and the sum of all votes, recounters will notify the Secretary of State, who will investigate the variance and instruct the recounters on how to reconcile the tally.
5. Once complete, the recounters will announce that the ballots are being placed back in the box.
6. If a candidate or designee wishes to challenge a ballot while it is being recounted, the recounters will set that ballot in a separate pile and not recount that ballot. A candidate or designee does not need to state a reason to challenge a ballot.
7. If there are any challenged ballots, the Secretary of State will review the ballots. The Secretary of State shall rule on the voter's intention of the challenged ballot and will direct that the vote be tallied in the manner decided on the tally sheet.

- a. If a candidate or their designee wishes to further challenge the ballot, the Secretary of State will attach a memorandum to the ballot stating the ruling and which candidate challenged the ballot. The ballots with attached memorandum will be kept separate in case the results are appealed to the Ballot Law Commission.
  - b. Ballots that aren't challenged further will be placed in the original ballot box.
8. Once recounters have completed recounting their assigned box, recounters will total the votes on their tally sheet under the camera and sign their tally sheet. The Secretary of State or assigned staff will collect the tally sheet and box.