

## **PROCEDURE FOR PRECINCT HAND COUNT AND EARLY BALLOT AUDIT**

For each countywide Primary, General, and Presidential Preference Election, the County Officer shall: (1) conduct a hand count at the central counting center of at least two percent of the precincts in that county or two precincts, whichever is greater; (2) conduct a manual audit of early ballots equal to one percent of the total number of early ballots cast or 5,000 early ballots, whichever is less, and (3) in the event of a recount, conduct a hand count of at least five percent of the precincts for the recounted race in that county.

[A.R.S. § 16-602(C), (G), -663(B)]

### **I. Purpose of Hand Count and Early Ballot Audit**

The purpose of the Precinct Hand Count and Early Ballot Audit is to compare the results of the machine count to the hand count to assure that the machines are working properly and accurately counting the votes. The purpose of this procedure is to assure that the Precinct Hand Count and Early Ballot Audit are conducted in a uniform manner in every county. Other than determining the intent of the voter, no other determinations regarding the ballot shall be made during the Precinct Hand Count and Early Ballot Audit.

### **II. Definitions**

“County Officer” shall mean the county officer in charge of the election or that person’s designee.

“County Political Party Chairman” shall mean the county chairman for each political party that is entitled to continued representation on the state ballot or the chairman's designee.

“Designated Precinct Count Margin” shall mean the margin established by the “Vote Count Verification Committee” in accordance with A.R.S. § 16-602(L), to be used in reviewing the hand count of votes, and setting forth the acceptable variance rate between the machine and hand count for the total selected sample size.

“Designated Early Ballot Count Margin” shall mean the margin established by the “Vote Count Verification Committee” in accordance with A.R.S. § 16-602(L), to be used in reviewing the hand count of early ballot votes during the Early Ballot Audit, and setting forth the acceptable variance rate between the machine and hand count for the total selected sample size.

“Direct Recording Electronic Machine” shall mean accessible voting devices available for use by individuals with disabilities in each polling place and for early voting as required by the federal Help America Vote Act [(42 USC 15481(a)(3)].

“Early Ballot Audit” shall mean the audit of early ballots conducted in accordance with A.R.S. § 16-602(G).

“Hand Count Board” shall mean the citizens selected by the County Political Party Chairmen to assist with the Precinct Hand Count and Early Ballot Audit process.

“Precinct Hand Count” shall mean the hand count of precinct ballots in accordance with A.R.S. § 16-602(C).

“Vote Count Verification Committee” shall mean the seven member committee established by the Secretary of State in accordance with A.R.S. § 16-602(L) to set the designated margin(s) that are to be used in reviewing the hand counts.

### **III. Start of Precinct Hand Count and Early Ballot Audit [A.R.S. § 16-602(J)]**

The Precinct Hand Count and Early Ballot Audit shall begin within twenty-four hours after the closing of the polls and shall be completed before the canvassing of the election for the county. The results of the Precinct Hand Count and Early Ballot Audit shall be provided to the Secretary of State in an electronic format prescribed by the Secretary of State, who shall post the results on the Secretary of State’s website no later than forty-eight hours after receiving them.

### **IV. Selection of Precincts to Be Hand Counted [A.R.S. § 16-602(C)]**

The County Political Party Chairmen shall conduct the selection of the precincts to be hand counted. The precincts shall be selected by lot without the use of a computer and the order of selection by the County Political Party Chairmen shall also be by lot. The County Officer and the County Political Party Chairmen shall agree to the lot method.

The selection of the precincts shall not begin until all ballots voted in the precinct polling places have been delivered to the central counting center. The unofficial vote totals from all precincts shall be made public before selecting the precincts to be hand counted.

### **V. Ballots Included in the Precinct Hand Count [A.R.S. § 16-602(C)]**

Only ballots cast in the polling places, including ballots cast using Direct Recording Electronic Machines at the polls, shall be included in the Precinct Hand Count. Provisional ballots, conditional provisional ballots and write-in votes shall not be included in the Precinct Hand Count.

The Precinct Hand Count of the ballots from the Direct Recording Electronic Machines shall be conducted using the paper document generated by the machine that visually indicates the voter’s selections in accordance with A.R.S. § 16-446(B)(7).

The County Officer shall group early ballots separately for purposes of the Early Ballot Audit in accordance with Section XII of this Procedure.

**VI. Races to Be Counted in the Precinct Hand Count [A.R.S. § 16-602(C)]**

The races to be counted shall include at least four contested races. These four contested races shall include one federal race, one statewide candidate race, one ballot measure and one legislative race on those ballots. A write-in candidacy in a race does not constitute a contested race.

In elections in which there are candidates for Presidential Electors, the Presidential Elector Race(s) shall be added to the four categories of hand counted races. The County Political Party Chairmen shall take turns selecting by lot the individual races to be hand counted. The County Officer and the County Political Party Chairmen shall agree to the lot method.

If there is not a contested race in one of the designated categories (a presidential elector race, federal race, statewide candidate race, ballot measure, or legislative race), an additional contested races from one of the other designated categories should be used to make up the designated number of contested races. For example, during a primary election in a non-presidential year where there is not a statewide ballot measure, another contested race from the remaining categories must be drawn to make up the four races.

If there are not four contested races on the ballot, only the contested races on the ballot that fall within one of the four categories shall be included in the Precinct Hand Count. If there are no contested races in any of the designated categories, no hand count will take place.

The following procedure shall be used in selecting the precincts and in determining the races to be counted in the Precinct Hand Count:

1. Determine the contested races. Separate the contested races into their appropriate categories (Federal, Statewide, Legislative, Ballot Measure, and if applicable, Presidential Elector).
2. Determine the required number of races that will be counted from each category. This should be one for each category unless a category does not have a contested race. For example, in the primary election an additional race from another category will need to be substituted for the ballot measure to satisfy the four race requirement of A.R.S. §16-602(C).
3. Place all contested races into their proper category for selection. In a primary, each contested party race counts as a possible contested race for that category.
4. Select by lot the recognized political party that will be first to select from the contested races.
5. The party that has the first selection will draw from the possible contested races for the first category. Categories of contested races shall be drawn in the following order until the required number of contested races is reached: Presidential Elector, Statewide, Federal, Legislative, and Ballot Measure. In a primary election, the selection made by a political party may be any possible race for that category, regardless of party.
6. The recognized party that is entitled to draw second shall select next. The selection shall be from the contested races in the next category or the same category if it was

determined that multiple contested races were needed from that category to obtain the required number of contested races.

7. The parties will continue to alternate selections until the required number of contested races is selected.
8. Determine the number of precincts possible for each of the contested races. Create lots of possible precincts for each contested race separated by the race.
9. Draw the required 2% or 2 precincts among the contested races by lot, ensuring that the precincts chosen by lot are spread among the different races. Alternate selecting precincts from each lot until the required number of precincts is selected and all required race categories have been fulfilled. Precinct selection shall be drawn in the following order: Presidential Elector, Statewide, Federal, Legislative, and Ballot Measure.
10. After the precincts have been drawn for the contested races, the remaining precincts shall be kept available in case an additional draw is required for the expanded count.

## **VII. Hand Count Board Members [A.R.S. § 16-602(C)]**

The County Political Party Chairmen shall designate and provide the number of Hand Count Board members as designated by the County Officer. The Hand Count Board shall perform the Precinct Hand Count and Early Ballot Audit under the supervision of the County Officer.

For each precinct that is to be audited, the County Political Party Chairmen shall designate in writing at least three Hand Count Board members to the County Officer no later than 5:00 p.m. on the Friday preceding the election. The County Political Party Chairman shall also designate an appropriate number of alternative Hand Count Board members.

If a party does not have a recognized County Political Party Chairman in a particular county, then that party is not responsible for providing Hand Count Board members or participating in the hand count in that county. If a party has a recognized County Political Party Chairman, then the party shall provide the specified number of names to the County Officer and participate in the hand count.

All Hand Count Board members shall be registered to vote in Arizona and the County Officer shall provide for compensation for those Hand Count Board members. No candidates whose names appear on the ballot may serve as members of the Hand Count Board with the exception of the office of Precinct Committeeman.

If less than three Hand Count Board members per precinct selected by any of the County Political Party Chairmen fail to appear to perform the Precinct Hand Count and Early Ballot Audit, no hand count will be conducted and the electronic tabulation is deemed the official count. [A.R.S. § 16-602(C)].

The hand count may not proceed unless the County Political Party Chairmen from two different recognized political parties participate in the hand count. The hand count cannot proceed with only one party participating.

### **VIII. County Officer Preliminary Announcements**

All participating members of the Hand Count Board shall take the following election oath: “We do solemnly swear or affirm that we will support the Constitution of the United States of America and the laws of the State of Arizona; that we will true faith and allegiance bear to the same and defend them against all enemies whatsoever, and that we will faithfully and impartially discharge the duties assigned us by law”.

The County Officer shall explain the process to the people in attendance and oversee the process to ensure that all steps are followed correctly. The County Officer shall announce publicly that the Precinct Hand Count and Early Ballot Audit are about to begin.

### **IX. Precinct Hand Count Process [A.R.S. § 16-602(D)]**

If the randomly selected races result in a difference in any selected race that is less than the Designated Precinct Count Margin when compared to the electronic tabulation of those same ballots, the Precinct Hand Count, as defined in Section II, will be concluded and the results of the electronic tabulation will constitute the official count for that race. The County Officer shall indicate on the Hand Count Cumulative Sheet (see attached) that the count is complete and two members, one of each political party from each Hand Count Board present shall sign the sheet.

If any randomly selected race results in a difference in any selected race that is equal to or greater than the Designated Precinct Count Margin when compared to the electronic tabulation of those same ballots, a second Precinct Hand Count of that race and of those same ballots shall be performed. If the second Precinct Hand Count results in a difference in that race that is less than the Designated Precinct Count Margin when compared to the electronic tabulation for those same ballots, the Precinct Hand Count will be concluded and the results of the electronic tabulation will constitute the official count for that race. The County Officer shall indicate on the Hand Count Cumulative Sheet (see attached) that the count is complete and a representative from each political party present shall sign the sheet.

If the second Precinct Hand Count results in a difference in that race that is equal to or greater than the Designated Precinct Count Margin when compared to the electronic tabulation for those same ballots, the Precinct Hand Count shall be expanded to include a total of twice the original number of randomly selected precincts. Those additional precincts shall be selected in accordance with the process set forth in Section IV. If the remaining number of precincts for a race is less than twice the original number of precincts selected for the first count, then the total remaining precincts shall be used.

The first and second Precinct Hand Counts shall use the Three Person Call Tabulating Method as defined in Section XIV for both optical scan machines and direct recording electronic machines.

The difference shall be calculated as follows:

E = Total electronic vote count of Optical Scan and Direct Recording Electronic Machines for all candidates in a race in all selected precincts for that race.

H = Total Precinct Hand Count of Optical Scan and Direct Recording Electronic Machines for all candidates in a race in all selected precincts for that race.

$$\text{Difference Percentage} = (|E-H| / E) * 100$$

$$\text{Difference in Votes} = |E-H|$$

Note: |value| = the absolute value, or positive of value. In other words, the absolute value of the difference between the result of E minus H shall be used in the calculations.

Compare the Difference to the Designated Precinct Count Margin to determine if it is in the acceptable range or if an expanded count is needed.

**X. Expanded Precinct Hand Count [A.R.S. § 16-602(E)]**

If the expanded Precinct Hand Count results in a difference in that race that is less than the Designated Precinct Count Margin when compared to the electronic tabulation of those same ballots, the Precinct Hand Count will be concluded and the results of the electronic tabulation will constitute the official count for that race. The County Officer shall mark off the chart as completed and two members, one of each political party, from each Hand Count Board present shall sign.

If the expanded Precinct Hand Count results in a difference in that race that is equal to or greater than the Designated Precinct Count Margin when compared to the electronic tabulation of those same ballots, the final Precinct Hand Count shall be extended to include the entire jurisdiction for that race.

If the jurisdictional boundary for that race would include any portion of more than one county, the final Precinct Hand Count shall not be extended into the precincts of that race that are outside of the county that is conducting the expanded Precinct Hand Count.

The expanded Precinct Hand Count shall use the Stacking Tabulating Method as defined in Section XIV for optical scan machines and the Three Person Call Tabulating Method as defined in Section XIV for Direct Recording Electronic Machines.

The difference shall be calculated as follows:

E = Total electronic vote count of Optical Scan and Direct Recording Electronic Machines for all candidates in a race in all selected precincts for that race.

H = Total Precinct Hand Count of Optical Scan and Direct Recording Electronic Machines for all candidates in a race in all selected precincts for that race.

Difference Percentage =  $(|E-H| / E) * 100$

Difference in Votes =  $|E-H|$

Note: |value| = the absolute value, or positive of value. In other words, the absolute value of the difference between the result of E minus H shall be used in the calculations.

Compare the Difference to the Designated Precinct Count Margin to determine if it is in the acceptable range or if a final count is needed.

### **XI. Final Precinct Hand Count [A.R.S. § 16-602(F)]**

If a final Precinct Hand Count is performed for an entire jurisdiction for a race in accordance with Section XI, the final Precinct Hand Count shall be repeated for that race until a hand count for that race for the entire jurisdiction results in a count that is identical to one other hand count for that race for the entire jurisdiction and that hand count shall constitute the official count for that race. A county is considered the entire jurisdiction for purposes of this section.

The County Officer shall work with the County Political Party Chairmen to hire additional Hand Count Board members if the County Officer deems it necessary to conduct the final Precinct Hand Count.

The Precinct Hand Count totals shall then be added to the total count of early ballots, provisional ballots, conditional provisional ballots and write-in votes to determine the final count and the County Officer shall report that final count to the Secretary of State.

The final Precinct Hand Count shall use the Stacking Tabulating Method as defined in detail in Section XIV or the Three Person Call Tabulating Method as defined in Section XIV for optical scan machines and the Three Person Call Tabulating Method as defined in Section XIV for Direct Recording Electronic Machines. The County Officer shall declare what tabulating method will be used for the optical scan machines prior to the final Precinct Hand Count starting.

### **XII. Early Ballot Audit [A.R.S. § 16-602(G)]**

After the electronic tabulation of early ballots and at one or more times selected by the County Political Party Chairmen, the County Officer shall randomly select one or more batches of early ballots included in the initial election day tabulation to include at least one batch from each machine used for tabulating early ballots and shall securely sequester those ballots along with their unofficial tally reports for the Early Ballot Audit.

The County Officer shall randomly select from those sequestered early ballots a number equal to one per cent of the total numbers of early ballots cast or five thousand early ballots, whichever is less. From those randomly selected early ballots, the County Officer shall conduct a manual audit of the same races that are being hand counted in the Precinct Hand Count.

Every precaution should be taken by the County Officer to ensure that while selecting batches of early ballots that no partial or complete tallies of the early election board be released or divulged before all precincts have reported or one hour after the closing of the polls on election day, whichever occurs first.

If at any point during the Early Ballot Audit it is determined that the difference between the manual count of early ballots is less than the Designated Early Ballot Count Margin when compared to the electronic tabulation of those ballots, the electronic tabulation shall be included in the canvass and no further manual audit of the early ballots shall be conducted. The County Officer shall mark off the chart as completed and two members, one of each political party, from each Hand Count Board present shall sign.

If the Early Ballot Audit results in a difference in any race that is equal to or greater than the Designated Early Ballot Count Margin when compared to the electronically tabulated results for those same early ballots, the Early Ballot Audit shall be repeated for those same early ballots.

If the second Early Ballot Audit results in a difference in that race that is equal to or greater than the Designated Early Ballot Count Margin when compared to the electronically tabulated results for those same early ballots, the Early Ballot Audit shall be expanded only for that race to a number of additional early ballots equal to one per cent of the total early ballots cast or an additional five thousand ballots, whichever is less, to be randomly selected from the batch or batches of sequestered early ballots.

If the expanded Early Ballot Audit results in a difference for that race that is equal to or greater than the Designated Early Ballot Count Margin when compared to any of the earlier manual counts for that race, the manual counts shall be repeated for that race until a manual count results in a difference from the previous count that is less than the Designated Early Ballot Count Margin.

### **Early Ballot Audit Process**

1. Prior to beginning the tabulation of early ballots, the County Officer shall estimate the expected total number of early ballots based on past history of a similar election. From this number the County Officer shall calculate a number that equals four percent of the estimate or 20,000, whichever is less. This number is the number of ballots that will be split into batches and allows a margin for estimating error and room for expansion if necessary.
2. The County Political Party Chairmen will work with the County Officer to specify times during the counting of early ballots that batches will be created.
3. At the specified time the County Officer will create one or more batches that consist of a number of ballots equal to one eighth of the ballots calculated in item 1. This number of

ballots constitutes one batch. At least one batch should be created and processed on each machine used for tabulating early ballots.

4. To create a batch, the County Officer will cease all counting of early ballots (including uploading DRE early ballot results) and will run a tally report of all early votes cast to that point in time. This tally report shall serve as the baseline tally for that batch.
5. The County Officer shall then process the ballots in one batch.
6. Immediately after processing a batch, the County Officer shall run a second tally report of all early votes cast to that point in time. This tally report shall serve as the batch tally report. The difference between the baseline report and the batch tally report shall serve as the results for that batch.
7. The ballots included in a batch as well as the baseline and batch tally reports will be clearly labeled and sequestered separate from any other ballots or batches. The machine that the batch of early ballots were counted on shall be identified and listed with the batch.
8. This process shall continue until eight batches have been created.
9. On Election Day the County Officer shall calculate the exact number of early ballots tallied to that point in time. From this number the County Officer shall calculate a number equaling one percent of the total early ballots. This shall serve as the number of ballots to audit.
10. The County Officer shall randomly select one or more batches until enough ballots have been selected to equal the number of ballots to audit.
11. For each race selected for audit, the County Officer shall calculate the race electronic totals by subtracting the batch tally total for that race from the baseline tally total for that race. This shall be done for all selected batches.
12. The County Officer shall then perform a hand count of the Optical Scan ballots as prescribed in section IX of the early ballot audit batches and ensure that all batches and tally reports remain separate. The Three Person Call Tabulating Method as defined in Section XIV shall be used for this count.
13. If Direct Recording Electronic Machines are used for early voting, then one or more Direct Recording Electronic Machines shall be included in the early ballot audit. The County Officer shall perform a hand count of the Direct Recording Electronic Machines ballots as prescribed in section IX. Use the Three Person Call Tabulating Method as defined in Section XIV for this count.
14. The County Officer shall add all hand audit results together for each race, including any Direct Recording Electronic Machines results from step 13, add all electronic results together for each race, including any DRE results from step 13, and calculate the difference as follows:

E = Total electronic vote count of sampled early ballots for all candidates in a race.

H = Total Audit Hand Count of sampled early ballots for all candidates in a race.

Difference Percentage =  $(|E-H| / E) * 100$

Difference in Votes =  $|E-H|$

15. If the difference is less than the Designated Early Ballot Count Margin, skip to step 24.
16. If the difference is equal to or greater than the Designated Early Ballot Count Margin for any race, the County Officer shall repeat the hand count for that race using the Stacking Tabulating Method as defined in Section XIV for Optical Scan ballots and the Three Person Call Tabulating Method as defined in Section XIV for Direct Recording Electronic Machines.
17. If the difference of the second count is less than the Designated Early Ballot Count Margin, skip to step 24.
18. If the difference of the second count is still equal to or greater than the Designated Early Ballot Count Margin, an expanded count shall be performed.
19. To perform an expanded count, another set of batches equaling the same number as processed originally shall be selected.
20. Repeat the same audit only on the expanded group beginning with step 10.
21. When calculating the difference, add the first and expanded electronic count and add the first and expanded hand count together and then calculate the difference using the equation in step 14.
22. If the difference of the expanded count is less than the Designated Early Ballot Count Margin, skip to step 24.
23. If the expanded count results in a difference for that race that is equal to or greater than the Designated Early Ballot Count Margin when compared to any of the earlier manual counts for that race, the manual counts shall be repeated for that race until a manual count results in a difference from the previous manual counts that is less than the Designated Early Ballot Count Margin.
24. All results shall be documented in writing and signed by the County Officer and all County Party Chairmen present.
25. The County Officer shall label the ballots used for the early ballot audit and preserve them separately.

### **XIII. Hand Count of Recount Elections [A.R.S. § 16-663(B)]**

On completion of the recount, and for legislative, statewide and federal candidate races only, the County Chairmen of the political parties entitled to continued representation on the ballot or the chairman's designee shall select at random without the use of a computer five percent of the precincts for the recounted race for a hand count, and if the results of that hand count when compared to the electronic tabulation of that same race are less than the applicable Designated Margins, the recount is complete and the electronic tabulation is the official result. If the hand count results in a difference that is equal to or greater than the designated margin for that race, the procedures established in sections IX, X, XI, and XII shall apply.

The same procedures for a Precinct Hand Count shall be followed except the hand count shall be conducted with five percent of the ballots.

#### **XIV. Hand Count Tabulating Methods**

There are two approved methods of hand counting votes.

##### **Three Person Call Tabulating Method**

Each three-member Hand Count Board shall consist of an inspector and two judges appointed by the County Officer. No more than two Hand Count Board members on each board shall be members of the same political parties entitled to continued representation on the state ballot. The inspector shall be responsible for announcing the race and the candidate's name. Each judge shall be given a tally sheet that shall be marked with the precinct, the race, and the names of the candidates for that particular race. (See attached "Hand Count Tally Sheet.")

The ballots shall be counted into groups of twenty-five (25) to ensure that the number of ballots counted match the number of ballots originally counted. The inspector shall take the ballots one at a time. On each ballot the inspector shall find the races that were selected to be hand counted. The inspector shall announce the races one at a time. The judges will find the race on the proper "Hand Count Tally Sheet". The inspector shall then announce the name of the candidate that the voter marked on the ballot for that race or the proper selection if a ballot measure.

If there is any question about the intent of the voter, the decision must be made by the unanimous consent of the three Hand Count Board members using the standards established in Section XVI. If a unanimous decision cannot be reached by the Hand Count Board, the County Officer shall make the final decision regarding the voter's intent. The notation of this decision will be logged on the tally sheet. The judges shall place a tick mark by the voted candidate's name on the tally sheet. Every twenty-five ballots, the judges shall compare the number of tick marks with each other. If there is a match for the number of selections for the batch of 25 ballots, the judges shall mark through the tick marks. If there is not a match, the Hand Count Board shall recount the batch of 25 ballots to ensure there is a match.

Upon completion of the hand count, the judges shall sign the final "Hand Count Cumulative Sheet." See Attached.

##### **Stacking Tabulating Method**

This process, based on the use of ballot sorting and piles, involves one member of a three-person board picking up the ballots and placing them in piles corresponding to each choice in a particular race, i.e. candidate, yes/no, under votes, and over votes. For each race that is to be counted, the inspector shall hold up the ballot and declare the selection of the voter. The judges shall view the ballot and ensure that the inspector is placing the ballot in the right stack. After the sorting process is complete, one judge shall count each pile in stacks of 25 and then the other judge shall recount each stack. The number of ballots in each stack shall be entered onto the tally sheet by the inspector.

If there is any question about the intent of the voter, the decision must be made by the unanimous consent of the three Hand Count Board members using the standards established in Section XVI.

A notation of the decision will be logged on the tally sheet. The judges shall place a tick mark by the voted candidate's name on the tally sheet. Every twenty-five ballots, the judges shall compare the number of tick marks with each other.

**XV. Process for Hand Counting Direct Recording Electronic Audit Tapes**

The three-member Hand Count Board under the direction of the County Officer shall:

- Unroll the paper roll generated by the Direct Recording Electronic Machine and verify the precinct.
- Mark through all the voided or spoiled votes cast with a red pen/pencil in a manner that is visually distinguishable but does not interfere with the ability to read the paper.
- Mark through all provisional votes with a red pen/pencil in a manner that is visually distinguishable but does not interfere with the ability to read the paper.
- Make certain the voided or spoiled votes are not counted.
- If the paper roll is unable to be read for any reason, a new precinct shall be selected for the Precinct Hand Count in accordance with Section IV of this procedure. If no other precinct is available for selection, the unreadable ballots shall be read using the printed version of the electronic ballots as generated by the Direct Recording Electronic Machine in accordance with 42 U.S.C. 15481(a)(2)(B)(i). The County Officer shall make the determination if a paper roll is able to be read or not.
- Utilize the Three Person Call Tabulating Method.
- Compare to the machine count report.

**XVI. Intent of Voter Standard [A.R.S. § 16-602(H)]**

During the Precinct Hand Count and Early Ballot Audit, the County Officer and Hand Count Board member shall determine the intent of the voter in casting the ballot. This section establishes guidelines that should be used in determining the intent of the voter when conducting the hand count.

If any Hand Count Board member reviewing the ballots identifies that there is a question in determining voter intent, they shall notify the County Officer and the other board members. The three person team must unanimously approve a decision to invoke the following voter intent standards on each questionable contest.

If a Hand Count Board cannot come to a unanimous decision on determining the voter's intent on a particular ballot, the County Officer shall make the final determination on voter intent.

The Hand Count Board members shall consider the following when ascertaining the intent of the voter during the hand count:

- If a voter voted for more than the allowed number of selections for a contest, or if from the ballot it is impossible to positively determine the voter's choice for an office or measure, none of the votes shall be counted for that contest. [A.R.S. §§ 16-610, -611].
- The Hand Count Board Members may count a vote in a race that is unreadable by the optical scan equipment if the voter has indicated his or her intent by marking the ballot in a manner which clearly and unambiguously presents the voter's intent. Intent shall be ascertained from the face of the ballot only.

An unreadable ballot is a ballot that has been marked by the voter but cannot be read by the optical scan equipment because it has been marked with a device that cannot be read by the optical scan equipment or is marked by the voter in a manner that cannot be read by the optical scanner but clearly indicates the intent of the voter.

- If a ballot shows that an attempt has been made to erase or obliterate one of the marks, it must be counted for the selection of the contest for which it was evidently intended.
- If no mark is made by the selection of the contest and the ballot is blank for that contest, that ballot shall not be counted. A blank ballot is not a defective ballot.
- If the judges can decide from a ballot the voter's intent for only part of the contest selections or ballot measure, the ballot must be counted for that part only.
- If a ballot has marks outside the proper place, such as a circle around the oval or name of the candidate, or YES/NO on a ballot measure, the ballot should be counted so long as the voter marked the entire ballot in a consistent manner even though it will not have been counted by the voting equipment. If not, the vote should not be counted. If a mark is outside of the proper place, but on or so near a name or measure that it is clear the voter intended to mark the name or measure, the vote shall be counted for that name.
- A ballot may be marked with pencil or pen or both.
- A ballot shall not be rejected merely because it is slightly soiled or defaced.
- If the voter has correctly marked his or her choices by connecting an arrow or filling in an oval in some positions on the optical scan ballot, any other markings on the ballot shall be disregarded, and shall not be considered votes.

#### **XVII. Custody of Ballots [A.R.S. § 16-602(D)]**

The County Officer shall retain custody of the ballots for purposes of performing any required hand count and the officer shall provide security for those ballots. All security procedures set forth in the Elections Procedure Manual shall be followed with respect to ballot security.

**XVIII. Escrowed Source Code [A.R.S. § 16-602(K)]**

For any county in which a hand count has been expanded to all precincts in the jurisdiction, the Secretary of State shall make available the escrowed source code for that county to the superior court.

The superior court shall appoint a special master to review the computer software. The special master shall have expertise in software engineering and shall not be affiliated with an election software vendor nor with a candidate and shall sign and be bound by a nondisclosure agreement prepared by the Attorney General's Office and issued by the Secretary of State regarding the source code itself. The Special Master shall issue a public report to the court and to the Secretary of State regarding his or her findings on the reasons for the discrepancies.

The Secretary of State shall consider the reports for purposes of reviewing the certification of that equipment and software for use in the State.

# HAND COUNT TALLY SHEET

**DATE OF ELECTION:** \_\_\_\_\_ *Primary*      *General*      *Presidential Primary*

**EQUIPMENT TYPE:** *Optical Scan*      **BALLOT TYPE:** *Regular Ballots*  
*Direct Recording Electronic*      *Early Ballots*  
*Central Count*

**RACE:** \_\_\_\_\_ **CANDIDATE NAME:** \_\_\_\_\_

**OR**

**BALLOT MEASURE:** \_\_\_\_\_ **YES**      **NO**

**PRECINCT NAME:** \_\_\_\_\_ **PRECINCT NUMBER:** \_\_\_\_\_

**JUDGE:** \_\_\_\_\_ **JUDGE:** \_\_\_\_\_  
Signature      Signature

**INSPECTOR:** \_\_\_\_\_  
Signature

(Number of votes cast for each candidate)																									TOTAL
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	
26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	
51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	
76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	
101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	
126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	
151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	
176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	
201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	
226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	
251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	
276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	
301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	
326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	
351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	
376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	
401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	
426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	
451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	
476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	

# HAND COUNT CUMULATIVE SHEET

To complete this form, put the totals from each tally page on the lines identified and sum the numbers to get a grand total for each candidate or yes or no vote.

**DATE OF ELECTION:** \_\_\_\_\_ *Primary*      *General*      *Presidential Primary*

**EQUIPMENT TYPE:** *Optical Scan*      **BALLOT TYPE:**      *Regular Ballots*  
*Direct Recording Electronic*      *Early Ballots*  
*Central Count*

**RACE:** \_\_\_\_\_

**CANDIDATE NAME:** \_\_\_\_\_ **OR**      **YES**      **NO**

**PRECINCT NAME:** \_\_\_\_\_

**Page** \_\_\_\_\_ **of** \_\_\_\_\_      **TOTALS:** \_\_\_\_\_

**Page** \_\_\_\_\_ **of** \_\_\_\_\_      **TOTALS:** \_\_\_\_\_

**Page** \_\_\_\_\_ **of** \_\_\_\_\_      **TOTALS:** \_\_\_\_\_

**Page** \_\_\_\_\_ **of** \_\_\_\_\_      **TOTALS:** \_\_\_\_\_

**Page** \_\_\_\_\_ **of** \_\_\_\_\_      **TOTALS:** \_\_\_\_\_

**Page** \_\_\_\_\_ **of** \_\_\_\_\_      **TOTALS:** \_\_\_\_\_

**Page** \_\_\_\_\_ **of** \_\_\_\_\_      **TOTALS:** \_\_\_\_\_

**Page** \_\_\_\_\_ **of** \_\_\_\_\_      **TOTALS:** \_\_\_\_\_

**Page** \_\_\_\_\_ **of** \_\_\_\_\_      **TOTALS:** \_\_\_\_\_

**Page** \_\_\_\_\_ **of** \_\_\_\_\_      **TOTALS:** \_\_\_\_\_

**GRAND TOTAL:** \_\_\_\_\_

(Some type of statement may go here such as “We certify that the totals above reflect the results of the hand count conducted by this board on such and such a date.” Not sure of the language, but something to that affect)

Board members signatures:

\_\_\_\_\_  
Inspector

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Judge