

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 per cent of the polling locations in that county or two polling locations, whichever is greater; (2) conduct a manual audit of early ballots equal to one per cent 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 per cent of the precincts for the recounted race in that county.

[A.R.S. §§ 16-602(C), (G), & 16-663(B)]

I. Purpose

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

"Absolute Value" shall mean the quantity of the difference between two numbers without reference to if the difference was positive or negative.

"Absolute Difference" shall mean the Absolute Value between the hand count and the machine count.

"Accessible Voting Device" shall mean a certified voting machine or electronic tabulating system apparatus that the voters use to cast their votes and is designed to facilitate the voting process for people with visual, physical, and/or language disabilities.

"Contested Race" shall mean a race where there are more candidates than positions available.

"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 Device” 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 in accordance with A.R.S. § 16-602(C)(7). The Hand Count Board shall consist of one inspector and two judges.

“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. The County Officer shall electronically send the Secretary of State the results of the Precinct Hand Count and Early Voting Audit within 24 hours of completion of the hand count and early voting audit.

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

Only ballots cast in the polling places, including ballots cast using Accessible Voting System Devices 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 Accessible Voting System Devices shall be conducted using the paper document generated by the Device 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.

V. 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. The selection of precincts shall occur prior to the selection of the races to be counted.

At least two per cent of the precincts in the county or two precincts, whichever is greater, shall be selected at random from a lot consisting of every precinct in that county. A county shall round to the nearest whole number for the number of precincts to hand count.

For any election where there are consolidated polling locations, the amount of precincts to hand count will be based on the number of active polling locations for that election.

The process for selecting the precincts for Primary and General Elections is:

1. **Determine Selection Order.** Select by lot the order in which the County Political Party Chairman shall choose. The selection order will apply for the entire hand count process.
2. **Create Lot.** Create a lot containing all precincts.
3. **Select Precincts.** Draw the required two per cent or two precincts to be counted among a lot containing every precinct in the county. Precincts without any registered voters shall be excluded from the pool of available precincts in the county. The County Political Party Chairmen shall alternate selecting precincts based on the order defined in step one from the lot until the required number of precincts is selected.
4. **Record Precincts.** The County Officer shall record the precincts to be hand counted in Section A of the Master Precinct and Race Selection Worksheet. The precincts shall be listed in order selected. The order of the precincts shall be used when selecting the contested races in section VI of this procedure.

VI. Selection of Races to Be Counted in the Precinct Hand Count and Early Ballot Audit [A.R.S. § 16-602(C)]

The races to be counted shall include up to five contested races. These contested races shall include one federal, one statewide candidate, one statewide ballot measure and one state legislative race which appear on those ballots. In elections in which there are Presidential Elector candidates, the Presidential Elector category shall be added to the other categories of hand counted races to make five contested races to be counted. A write-in candidacy in a race does not constitute a contested race.

The County Political Party Chairmen shall take turns selecting by lot the individual races to be hand counted. The order the County Political Party Chairmen select was determined at the beginning of the hand count process.

If there is not a contested race in one of the designated categories (a presidential elector federal candidate, statewide candidate, statewide ballot measure, or state legislative race), an additional contested race from one of the other designated categories shall be used to make up the designated number of contested races. For example, a statewide ballot measure will not appear on the ballot during a primary election. An additional contested race from the remaining categories must be drawn to make up the required four races.

If there are less than 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 process shall be used to select the races to be counted in the Precinct Hand Count for the Primary and General elections:

- 1. Determine the race categories available for this election.** The possible race categories shall be Presidential Elector, Statewide Candidate, Federal Candidate, State Legislative, and Ballot Measure. Some categories may not appear on the ballot for a particular election.
- 2. Create Master List of All Contested Races.** Create a list by race category of all possible contested races. This list will be referenced when creating the lots of possible precinct races to count and also in the Early Ballot Audit process. The entries on this list shall be specific. Examples for the Primary would be Governor Democrat or State House Republican Dist 14. Record the results in the Master List of All Contested Races. Examples for the General would be State Treasurer or State Senate District 7. Record the results in the Master List of All Contested Races
- 3. Determine the required number of races that will be counted from each category.** There should be one race for each category unless a category does not have a race. For example, in a primary election, the category of statewide ballot measure will not appear on the ballot and therefore an additional race from another category will need to be substituted to satisfy the four race requirement of A.R.S. §16-602(C). In this example, another category will provide two contested races to be hand counted.
 - 3.1 Determine if there is a Presidential Elector contested race.** If there is not a contested presidential elector race on the ballot, place a zero in the "Presidential Elector" line of Section B of the Master Precinct and Race Selection Worksheet. If there is a Presidential Elector contested race, place a tick mark in the "Presidential Elector" line of Section B of the Master Precinct and Race Selection Worksheet.
 - 3.2 Determine if there is a Statewide Candidate contested race.** If there is not a contested statewide candidate race on the ballot, place a zero in the "Statewide Candidate" line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the "additional races needed" line in Section B of the Master Precinct and Race Selection Worksheet. If there is a Statewide Candidate contested race, place a tick mark in the "Statewide Candidate" line of Section B of the Master Precinct and Race Selection Worksheet.
 - 3.3 Determine if there is a Statewide Ballot Measure race.** If there is not a statewide ballot measure on the ballot, place a zero in the

"Statewide Ballot Measure" line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the "additional races needed" line in Section B of the Master Precinct and Race Selection Worksheet. If there is a Statewide Ballot Measure contested race, place a tick mark in the "Statewide Ballot Measure" line of Section B of the Master Precinct and Race Selection Worksheet.

3.4 Determine if there is a Federal Candidate contested race on any of the ballots in the precincts selected. If there is not a contested federal candidate race in any of the selected precincts, place a zero in the "Federal Candidate" line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the "additional races needed" line in Section B of the Master Precinct and Race Selection Worksheet. If there is a Federal Candidate contested race, place a tick mark in the "Federal Candidate" line of Section B of the Master Precinct and Race Selection Worksheet.

3.5 Determine if there is a State Legislative contested race on any of the ballots in the precincts selected. If there is not a contested state legislative race in any of the selected precincts, place a zero in the "State Legislative" line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the "additional races needed" line in Section B of the Master Precinct and Race Selection Worksheet. If there is a State Legislative contested race, place a tick mark in the "State Legislative" line of Section B of the Master Precinct and Race Selection Worksheet.

3.6 Determine additional races. If it is determined that additional races are needed, determine if the number of races can be satisfied by an additional race(s) in another category. Place a tick mark in the appropriate line of Section B of the Master Precinct and Race Selection Worksheet until the required number of races is selected. The priority for selecting other categories, if needed, is as follows: presidential elector, statewide candidate, statewide ballot measure, federal candidate and then state legislative. All additional races shall be fulfilled with the highest priority race category possible. The County Officer shall record the categories of races to be hand counted and the number per category on the Master Precinct and Race Selection Worksheet.

4. Separate out the contested races by category and create selection lots.

4.1 Create Presidential Elector Lot. If a Presidential Elector race is to be counted, the County Officer shall place the Presidential Elector race in the Presidential Elector lot. The Presidential Elector race will only appear on the General Election ballot.

4.2 Create Statewide Candidate Lot. If a Statewide Candidate race is to be counted, the County Officer shall place all possible Statewide Candidate races in the Statewide Candidate lot. In a Primary Election, each contested party race shall be placed in the lot (example: Corporation Commission Republican, State Mine Democrat).

4.3 Create Statewide Ballot Measure Lot. If a Statewide Ballot Measure race is to be counted, the County Officer shall place all possible Statewide Ballot Measure races in the Statewide Ballot Measure lot. Statewide ballot measures will only appear on the General Election ballot.

4.4 Create Federal Candidate Lot. If a Federal Candidate race is to be counted, the County Officer shall place all possible Federal Candidate races in the Federal Candidate lot. The County Officer shall evaluate each of the precincts selected to determine the Federal Candidate race types that are possible for the lot. If one or more precincts have a possible Federal Candidate race type, that race type shall be placed in the lot. In a Primary Election, each contested party race type shall be placed in the lot. The selections for U.S. House of Representative shall not contain the specific district since the names of the candidates may vary among the sampled precincts if necessary (example: U.S. House Republican and U.S. House Democrat).

4.5 Create State Legislative Lot. If a State Legislative race is to be counted, the County Officer shall place all possible State Legislative races in the State Legislative lot. The County Officer shall evaluate each of the precincts selected to determine the State Legislative race types that are possible for the lot. If one or more precincts have a possible State Legislative race type, that race type shall be placed in the lot. In a Primary Election, each contested party race type shall be placed in the lot. The selections for State Legislative shall not contain the specific district since the names of the candidates may vary among the sampled precincts if necessary (example: State House Democrat, State House Republican, State Senate Libertarian, State Senate Democrat, State Senate Republican).

4.6 Vacancy. If any candidate race is for a vacancy, the vacancy race shall be treated as a separate race for creating lots. For example, if an AZ Corporation Commission seat is vacant and the term ends in 2010 and there is also a race for the seat with a term that ends in 2012, the Corporation Commission Term Ending 2010 and Corporation Commission Term Ending 2012 will be two separate races when

creating the Statewide Candidate lot. This same vacancy rule can apply to any candidate race.

- 5. Select the contested races to be hand counted.** The County Political Party Chairmen shall alternate selecting races based on the order defined when selecting precincts. The races will be selected by lot until the required number of races are selected. Categories of contested races shall be drawn in the following order until the required number of contested races is reached: Presidential Elector, Statewide Candidate, Statewide Ballot Measure, Federal Candidate, and State Legislative. In a primary election, the selection made by a County Political Party Chairman may be any possible race for that category, regardless of party.

5.1 Select Presidential Elector race(s). For the Presidential Elector category (General Election only) select by lot the contested race. If a race is selected, document the selected race in Section C of the Master Precinct and Race Selection Worksheet.

5.2 Select Statewide Candidate race(s). For the Statewide Candidate category, select by lot the number of contested races determined in step 2. Document any selected race(s) in Section C of the Master Precinct and Race Selection Worksheet.

5.3 Select Ballot Measure race(s). For the Ballot Measure category, select by lot the number of contested races determined in step 2. Document any selected race(s) in Section C of the Master Precinct and Race Selection Worksheet.

5.4 Select Federal Candidate race(s). For the Federal Candidate category, select by lot the number of contested races determined in step 2. Document any selected race(s) in Section C of the Master Precinct and Race Selection Worksheet.

5.4.1 If the U.S. House of Representatives race is selected for the Federal Candidate category, the names of the candidates may vary among the sampled precincts if necessary. The machine counts of the races in this category will be added together and measured against the hand counts of the races in this category to determine if the total difference falls within the Designated Precinct Count Margin. Document any selected race(s) in Section C of the Master Precinct and Race Selection Worksheet. The level of the race should not include specific congressional districts (example: U.S. House Republican).

5.4.2 If the U.S. House of Representatives race is selected as the race to be counted but there is not a contested race in each of the selected precincts, only the precincts where there is a contested

United States House of Representatives race shall be hand counted.

5.5 Select State Legislative race(s). For the State Legislative category, select by lot the number of contested races determined in step 2. Document any selected race(s) in Section C of the Master Precinct and Race Selection Worksheet

5.5.1 For the State Legislative category, the names of the candidates may vary among the sampled precincts if necessary. The machine counts of the races in this category shall be added together and measured against the hand counts of the races in this category to determine if the total difference falls within the Designated Precinct Count Margin. Document any selected race(s) in Section C of the Master Precinct and Race Selection Worksheet. The level of the race should not include specific districts (example: State House Democrat, State House Republican, State Senate Libertarian, State Senate Democrat, State Senate Republican).

5.5.2 If the State Legislative race does not have a contested race in each of the selected precincts, only the precincts where there is a contested State Legislative race shall be hand counted.

6. Create Hand Count Board Work Sheets. The County Officer shall create a Hand Count Board Work Sheet for each Hand Count Board. The Hand Count Board Work Sheet documents the members of the Hand Count Board and what races they will be hand counting.

7. Early Ballot Audit. Document the selected race(s) in Section C of the Master Precinct and Race Selection Worksheet for Early Ballot Audit. For the Presidential Elector, Statewide Candidate, or the Statewide Ballot Measure categories, the races selected shall be the same as the races selected for the precinct hand count. For the Early Ballot Audit, a second selection shall be performed to select specific districts for U.S. House of Representative and for State Legislative races. If a U.S. House of Representatives race is chosen as one of the races to be hand counted, an additional selection of one specific congressional district race will be performed for the Early Ballot Audit. If a State Senate race is chosen as one of the races to be hand counted, an additional selection of one specific district race will be performed for the Early Ballot Audit. If a State House race is chosen as one of the races to be hand counted, an additional selection of one specific district race will be performed for the Early Ballot Audit. The Master List of All Contested Races shall be used to create the lots to select the specific race to hand count. The County Political Party Chairmen shall select the races in the predefined order.

Presidential Preference Election

The following process shall be used to select the races to be counted in the Precinct Hand Count for Presidential Preference Elections (PPE):

1. **Determine Selection Order.** Select by lot the order in which the County Political Party Chairman shall choose from the pool of available precincts.
2. **Create Lot of Polling Locations.** Create a lot of available polling locations. A County may consolidate precincts in a PPE. Only actual polling locations will be placed in the lot of available polling locations.
3. **Select Precincts.** Draw the required two per cent or two polling locations to be counted among a lot containing every actual polling location for the PPE.
4. **Record Precincts.** The County Officer shall record the polling locations to be hand counted in Section A of the Master Precinct and Race Selection Worksheet.
5. **Create Lot of Contested Races.** Create a lot of the contested races available for the PPE. Each political party that is participating in the PPE will count as a contested race.
6. **Select Race.** The County Political Party Chairman who is next (from step 1), shall choose the one contested PPE race to be hand counted.
7. **Record Race.** The County Officer shall record the PPE race to be hand counted in Section B of the Master Precinct and Race Selection Worksheet.

VII. Hand Count Board Members [A.R.S. § 16-602(C)(7)]

Fourteen days prior to the election, the County Officer should notify the County Political Party Chairmen of the requirement to provide names of Hand Count Board members.

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.

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.

If there is no county political party or the county political party is not represented by a designated County Political Party Chairman, the State Political Party

Chairman for that political party may perform the actions required by the County Political Party Chairman.

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

If the total number of Hand Count Board members provided on the lists from all the County Political Party Chairmen is less than four times the number of precincts to be audited, the Election Official shall notify the parties of the shortage by 9:00 a.m. on the Wednesday preceding the election.

The hand count shall not proceed unless the political parties provide the County Officer, in writing, a sufficient number of persons by 5:00 p.m. on the Thursday preceding the election.

The hand count may not proceed unless the County Political Party Chairmen from two different recognized political parties participate in the hand count. For the hand count to proceed, no more than 75 per cent of the persons performing the hand count shall be from the same political party.

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. Compensation shall not include travel, meal, or lodging expenses. 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 there are less than two persons for each audited precinct available to participate on behalf of each political party, the County Officer shall substitute Hand Count Board members from the list of alternatives provided by the County Political Party Chairmen. The substitutions can be any additional individual electors who are provided by any political party from anywhere in the state without regard to party designation. To complete the substitution, at least two of the County Political Party Chairman, from the county where the shortage occurred, must agree to the substitution. The County Political Party Chairman receiving the substitute Hand Count Board members shall approve only those substitute electors who are provided on the lists by the County Political Party Chairman's political party.

If less than four Hand Count Board members per precinct 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 County Officer has the right to remove any Hand Count Board member they deem to be disruptive to the hand count process. The County Officer may prohibit persons from participating in the hand count if they are taking actions to disrupt the count or are unable to perform the duties as assigned.

If enough Hand Count Board members abandon the process or are removed before the hand count is completed, the County Officer should first try to substitute Hand Count Board members from the list provided by the County Political Party Chairmen to continue the precinct hand count and early ballot audit. If the shortage of personnel is deemed to be impossible to overcome with substitutions, the County Officer may determine that there are not enough Hand Count Board members to sufficiently continue and may terminate the hand count. The electronic tabulation will be deemed the official count if this occurs.

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 with 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)]

The stacking method described in section XIV of this procedure shall be used to hand count optical scan ballots. The method for hand counting ballots cast on Accessible Voting Devices shall be the three person call out method.

All Hand Count Board Members shall not bring in electronic devices, black pens, blue pens, or cellular telephones into the official hand counting area.

All optical scan ballots for each precinct shall be placed on a table for the Hand Count Board to hand count. The ballots with write-in votes shall be separated from the regular ballots.

Each Hand Count Board member judge shall fill out a Hand Audit Tally Sheet for each race. (See SAMPLE FORMS: Hand Count Tally Sheet – Stacking Method and Hand Count Tally Sheet – 3 Person Call Out Method.) Each Hand Count Board member inspector shall sign each Hand Audit Tally Sheet. All Hand Audit Tally Sheets from the precinct hand count shall be given to the County Officer.

1. Fill Out Top of Hand Count Tally Sheet. Each judge shall fill out the top of the Hand Count Tally Sheet, listing the precinct name, precinct number, inspector name and their name as the judge. Each judge shall also check the box for the proper election type.

2. Fill Out Names of Candidates or Ballot Measure Yes/No. For each candidate's list the candidate name on a line of the Hand Count Tally Sheet. For ballot measures, list "Yes" in the first counting line and "No" on the second counting line.

3. Hand Count Ballots with Write In Votes. All ballots with write-in votes are separated from the other precinct ballots. The Hand Count Board shall use the stacking method to count the ballots with write-ins and list the counts in the Hand Count Tally Sheet. Keep the ballots with write-in votes separated from the other precinct ballots after the hand count.

4. Hand Count Precinct Ballots - The Hand Count Board shall use the stacking method to count the precinct ballots and list the counts in the Hand Count Tally Sheet.

Each precinct or polling location shall have one Hand Audit Tally Sheet for the optical scan ballots and one for the Accessible Voting Devices, unless the Accessible Voting Device produces a paper ballot read by an optical scan device. The County Officer shall enter the results from the Hand Audit Tally Sheets into the Precinct Hand Count Margin Worksheet. Each precinct shall have two entries for the Precinct Hand Count Margin Worksheet. The first is for the optical scan ballots that were hand counted using the stacking method. The second is for the Accessible Voting Devices using the Three Person Call Out Method.

The County Officer shall create a Precinct Hand Count Margin Worksheet for each race that was hand counted.

The County Officer, in the presence of the County Political Party Chairman, shall enter the results of the hand count on the Precinct Hand Count Margin Worksheet. (See SAMPLE FORMS: Precinct Hand Count Margin Worksheet.)

The County Officer shall also enter the precinct machine totals for each candidate's race in the precinct or polling location in Hand Count Designated Margin Worksheet.

The County Officer shall subtract the machine total from the hand count total for each candidate's race in each precinct and write the difference as an Absolute Value in the Absolute Difference column. The Absolute Difference column will show the amount of differences between the hand count and the machine count in a positive number.

For each Precinct Hand Count Margin Worksheet, the County Officer shall calculate the hand count total and the machine total for each precinct. Each precinct will have a total for the optical scan machines and one for the Accessible Voting Devices.

For each Precinct Hand Count Margin Worksheet, the County Officer shall calculate the total of all the machine counts, the total of all the hand counts, and the sum of all the Absolute Differences. Each precinct will have a total for the optical scan machines and one for the Accessible Voting Devices.

For each Precinct Hand Count Margin Worksheet, the County Officer shall calculate the margin to compare to the Designated Margin. The total of all the Absolute Differences shall be divided by the total of all the machine counts. That number shall be multiplied by 100 to obtain the margin for that race.

If the calculated margin from the Precinct Hand Count Margin Worksheet 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 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. A new Precinct Hand Count Margin Worksheet shall be created for the second Precinct Hand Count race in question. 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 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.

Calculating the Hand Count Margin using the Precinct Hand Count Margin Worksheet

1. Fill out Top of Form. Fill out the date of the election. Circle the proper election (General, Primary or PPE). State the race category that the worksheet is for (Presidential Elector, Statewide Candidate, Statewide Ballot, Federal Candidate, or State Legislative). List the race (example: State Senator Dist 14, Corporation Commission Democrat). List the hand count round (1st hand count, 2nd hand count, expanded hand count or final hand count).

2. Enter Hand Count Totals. For each precinct that was hand counted, enter in the hand count totals for the optical scan ballots and separately the hand count totals for the Accessible Voting Devices. The totals for the hand count will come directly from the Hand Count Tally Sheets. Each candidate's counts or yes/no counts from the Hand Count Tally Sheet need to be listed in the table. The total number of hand counted votes shall be calculated and notated in the worksheet.

3. Enter Machine Count Totals. For each precinct that was hand counted, enter in the machine totals for the optical scan ballots and separately the hand count totals for the Accessible Voting Devices. The totals for the machine count will come directly from Election Management Systems. Each candidate's counts or yes/no counts from the Hand Count Tally Sheet need to be listed in the table. The total number of machine counted votes shall be calculated and notated in the worksheet.

4. Calculate Absolute Difference. For each candidate's race or ballot measure race, calculate the Absolute Difference between the hand count and the machine count. The Absolute Difference is the difference between the two numbers listed as a positive value (example: $110 - 109$ or $109 - 110$ will both have an Absolute Value of one). The total Absolute Value for each precinct/machine type shall be calculated and notated in the worksheet.

5. Calculate Grand Totals. Sum up all the machine count totals for a particular race category for the Grand Total Machine Count. Sum up all the Absolute Differences for a particular race category for the Grand Total Absolute Difference.

6. Calculate Margin. Divide the Grand Total Absolute Difference into the Grand Total Machine Count and multiply the result by 100 to get the margin in a percentage form.

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

The County Officer, in the presence of the County Party Chairmen, shall fill out the Precinct Hand Count Margin Worksheet.

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

A new Precinct Hand Count Margin Worksheet shall be created for the expanded Precinct Hand Count race in question.

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 Accessible Voting Devices.

Calculate the margin using the same process performed in the first hand count. Compare the calculated margin from the Precinct Hand Count Margin Worksheet 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)]

A new Precinct Hand Count Margin Worksheet shall be created for the final Precinct Hand Count race in question.

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 as defined in section XIX of this procedure.

The final Precinct Hand Count shall use 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 Accessible Voting Devices.

Calculate the margin using the same process performed in the first hand count. Compare the calculated margin from the Precinct Hand Count Margin Worksheet to the Designated Precinct Count Margin to determine if it is in the acceptable range or if a final count is needed.

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 5,000 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 per cent 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 shall 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 Accessible Voting Device 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 batches 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 per cent 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. All races selected in step 4 of Section VI of this procedure shall be hand counted in the Early Ballot Audit. For the Early Ballot Audit, the races shall be listed in Section C of the Master Precinct and Race Selection Worksheet.
12. A Hand Count Tally Sheet shall be created for each possible contested race listed on the Master List of All Contested Races.
13. The County Officer shall then perform a hand count of the Optical Scan ballots. The Stacking Method shall be used for counting optical scan early ballots. If Accessible Voting Devices are used for early voting, then one Accessible Voting Device shall be included in the early ballot audit. The County Officer shall perform a hand count of the Accessible Voting Device ballots. The Three Person Call Tabulating Method shall be used for counting votes cast on an Accessible Voting Device.
14. The County Officer shall add all hand audit results together for each race, including any Accessible Voting Devices results from step 13, add all electronic results together for each race, including any Accessible Voting Device results from step 13, and calculate the difference as follows:

Calculating the Hand Count Margin using the Early Ballot Hand Count Margin Worksheet

14.1. Fill out Top of Form. Fill out the date of the election. Circle the proper election (General, Primary or PPE). State the race category that the worksheet is for (Presidential Elector, Statewide Candidate, Statewide Ballot, Federal Candidate, or State Legislative). List the hand count round (1st hand count, 2nd hand count, expanded hand count or final hand

count). List the specific races (example: State Senator Dist 14, Corporation Commission Democrat).

14.2. Enter Hand Count Totals. For each precinct that was hand counted, enter in the hand count totals for the optical scan ballots and separately the hand count totals for the Accessible Voting Devices. The totals for the hand count will come directly from the Hand Count Tally Sheets. Each candidate's counts or yes/no counts from the Hand Count Tally Sheet need to be listed in the table. The total number of hand counted votes shall be calculated and notated in the worksheet.

14.3. Enter Machine Count Totals. For each precinct that was hand counted, enter in the machine totals for the optical scan ballots and separately the hand count totals for the Accessible Voting Devices. The totals for the machine count will come directly from Election Management Systems. Each candidate's counts or yes/no counts from the Hand Count Tally Sheet need to be listed in the table. The total number of machine counted votes shall be calculated and notated in the worksheet.

14.4. Calculate Absolute Difference. For each candidate's race or ballot measure race, calculate the Absolute Difference between the hand count and the machine count. The Absolute Difference is the difference between the two numbers listed as a positive value (example 110 - 109 or 109 - 110 will both have an Absolute Value of one). The total Absolute Value for each precinct/machine type shall be calculated and notated in the worksheet.

14.5. Calculate Grand Totals. Sum up all the machine count totals for a particular race category for the Grand Total Machine Count. Sum up all the Absolute Differences for a particular race category for the Grand Total Absolute Difference.

14.6. Calculate Margin. Divide the Grand Total Absolute Difference into the Grand Total Machine Count and multiply the result by 100 to get the margin in a percentage form.

- 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 Accessible Voting Devices.

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 Political Party 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 per cent 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 per cent of the ballots.

XIV. Hand Count Tabulating Methods

There are two approved methods of hand counting votes.

Three Person Call Tabulating Method - used for counting votes from an Accessible Voting System

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 SAMPLE FORMS: Hand Count Tally Sheet.)

The ballots shall be counted into groups of 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."

Stacking Tabulating Method - used for counting optical scan ballots

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.

1. Process Ballots with Write-In Votes

1.1 Count total number of ballots with write-in votes. The second judge shall recount the total number of ballots. If the numbers agree, document result in Hand Count Tally Sheet in the Total Ballots Received.

1.2 Identify specific race to be counted.

1.2.1 Separate out overvotes/undervotes for that race.

1.2.2 Start stacking process for first candidate/selection in race.

1.2.3 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 10 or 25 and then the other judge shall recount each stack. The number of ballots in each stack shall be entered onto the Hand Count Tally Sheet by the judge.

1.2.4 Move the stack aside and perform stacking the process for the next candidate/selection in race. Continue until done recording all candidate/selections on the Hand Count Tally Sheet.

1.3 Place ballots with write-in votes back in envelope and keep the ballots separated from the regular ballots.

2. Process Regular Ballots

2.1 Count total number of ballots. The second judge shall recount the total number of ballots. If the numbers agree, document result in Hand Count Tally Sheet in the Total Ballots Received.

2.2 Identify specific race to be counted.

2.2.1 Separate out overvotes/undervotes for that race.

2.2.2 Start stacking process for first candidate/selection in race.

2.2.3 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 10 or 25 and then the other judge shall

recount each stack. The number of ballots in each stack shall be entered onto the Hand Count Tally Sheet by the judge.

2.2.4 Move the stack aside and perform stacking process for the next candidate/selection in race. Continue until done recording all candidate/selections on the Hand Count Tally Sheet.

2.2.5 If the race being counted is for multiple seats (example: vote for two), it will be necessary to go through entire set of ballots for each candidate, not allowing the ability to set ballots aside as in the prior step.

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 the ballot into the proper stack for counting.

XV. Process for Hand Counting Accessible Voting Audit Tapes

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

1. Unroll the paper roll generated by the Accessible Voting Device and verify the precinct.
2. 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.
3. 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.
4. Make certain the voided or spoiled votes are not counted.
5. 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 Accessible Voting Device 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.
6. Utilize the Three Person Call Tabulating Method.

7. If multiple Accessible Voting Devices used in precinct or for early voting, repeat process for each paper roll generated by the Accessible Voting Devices.
8. Record results on the Accessible Voting Device Hand Count Tally Sheet.

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 shall 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 shall 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 shall 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(I)]

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.

XIX. Reporting of Hand Count and Early Voting Audit

The County Officer shall electronically send the Secretary of State the results of the Precinct Hand Count and Early Voting Audit within 24 hours of completion of the hand count and early voting audit. The report should be in a PDF or Word document and shall include the following information:

- Description and dates of events
- The precincts selected
- The races selected
- A summary of the machine counts, hand counts, and percentage differences

A conclusion of the precinct hand count and early voting audit