

CANVASS



WEST VIRGINIA SECRETARY OF STATE'S OFFICE
ELECTIONS DIVISION

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Canvassing Primary, General, and Special Elections

What is the canvass?

Canvass is a proceeding required by law in which the materials, equipment, and results of an election are reviewed, corrected, and officially recorded prior to the certification of that election.

Who is the Board of Canvassers?

- | | |
|---|--------------------------|
| 1. County elections | County Commission |
| 2. Statewide Primary or General elections | County Commission |
| 3. Special elections ordered by the county commissions and held in conjunction with a statewide election using same precincts | County Commission |
| 4. Special levy or bond election ordered by Board of Education | County Commission only |
| 5. Municipal primary, general, or special election NOT held in conjunction with any county or state election | Municipal governing body |
| 6. Municipal primary, general, or special election held in conjunction with any county or state election | County Commission |

NOTE: A quorum of the governing body constituting the board of canvassers must be present to conduct the canvass. If a quorum is not present at the start, the meeting will stand adjourned until the next day. The meeting may recess from time to time if a quorum is not present (W. Va. Code §3-6-9(a)(4)). If the canvass cannot be completed in one session, the meeting may adjourn, but for no longer than absolutely necessary (W. Va. Code §3-6-9(a)(3)). All procedures must be conducted under the supervision of a quorum of the board.

Who is the presiding officer at the canvass?

The presiding officer of the governing body

Who assists with the canvass?

- | | |
|---|--------------------|
| • For canvasses conducted by the county commission | County Clerk |
| • For canvasses conducted by municipal governing body | Municipal Recorder |

Note: If necessary, the county commission may require attendance of any commissioners, poll clerks, or other persons present to appear or testify respecting the election (W. Va. Code §3-6-9(a)(2)).

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Who can attend canvass?

- All candidates whose name appears on the ballot(s), or a representative of the candidate
- Representatives of political parties
- A reasonable number of the general public

NOTE: W. Va. Code §3-6-9(a)(5)) outlines those permitted to attend canvass and emphasizes that the canvass is a public meeting. In the event all members of the general public cannot be admitted at one time, the county commission shall provide a periodic and convenient rotation of admission to the room for observation. Ensure that all of those wishing to observe canvass is able to do so for a reasonable period of time (W. Va. Code 3-4A-27(a)).

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When is the canvass held?

- Primary elections
The fifth day (not counting Sunday) after the election. If the fifth day falls on a Saturday, Sunday or legal holiday, the canvass begins on the next business day.
- General and Special elections
The fifth day (not counting Sunday) after the election. If the fifth day falls on a Saturday, Sunday or legal holiday, the canvass begins on the next business day.

Canvass must begin on the 5th day after the election per Code, but may be delayed until a later date as necessary.

- At the initial canvass, the board of canvassers may meet quickly and determine whether to delay canvass. Reasons to delay include counties that require additional time for processing absentee-by-mail ballots, or upon recommendations by state or federal agencies regarding the health and safety of the canvassers, clerks and public.
- Canvass may only be delayed for as long as absolutely necessary, and county commissions must abide by all other deadlines and procedures set forth in Code (W. Va. Code 3-6-9(a)(3)).

Where is the canvass held?

For a canvass conducted by the county commission	County Courthouse
For a canvass conducted by a municipal governing body	City Hall

NOTE: The canvass is open to the public. However, only persons authorized to participate in the canvass may handle materials. At the end of the canvass all materials are to be re-sealed and secured (W. Va. Code §3-4A-27(a)).

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Materials to be Used at Canvass

Please note: Each type of system in each county must also meet the requirements of a single unassisted voting machine in each precinct.

Electronic Voting Systems (Optical Scan, DRE and ExpressVote)

1. Ballots
 - a. Voted
 - b. Provisional (Challenged)
 - c. Early and Absentee
 - i. Absentee ballots received from Military and overseas voters before canvass
 - ii. Applications for absentee ballots
 - iii. Poll slips used for early voting
 - iv. Precinct list of absentee and early voters
 - v. Military and overseas absentee records
 - d. Spoiled
 - e. Unused
2. Ballot Stubs and Poll Slips
3. Provisional Ballot Forms (where applicable)
4. Voter Verified Paper Record (DRE paper rolls or OpScan and ExpressVote ballots)
5. Poll Books
6. Tally Sheets for the hand count
7. Certificates and oaths for canvass workers
8. Statements of Ballots Used
9. Voting Devices / Terminals (where applicable)
10. Ballot Boxes (where applicable)
11. Tabulating Equipment
12. Computer Printout of Unofficial Returns
13. Any supplementary tabulation such as tally sheets of hand counted ballots with write-in votes prepared on election night
14. Official list of write-in candidates (if applicable)
15. List of ballots sent to each precinct --- including a list of actual ballot numbers (optical scan and ExpressVote only)
16. Personalized Electronic Ballots (DRE only)
17. Flashcards
18. Unity Software

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Paper Ballots

1. Ballots
 - a. Voted
 - b. Provisional (Challenged)
 - c. Early and Absentee
 - i. Absentee ballots received from Military and overseas voters before canvass
 - ii. Applications for absentee ballots
 - iii. Poll slips used for early voting
 - iv. Precinct list of absentee and early voters
 - v. Military and overseas absentee records
 - d. Spoiled
 - e. Unused
2. Ballot and Poll Ticket Stubs
3. Poll Books
4. Tally Sheets for the hand count
5. Certificates and oaths for canvass workers
6. Statements of Ballots Used
7. Ballot Boxes
8. Precinct Return Certificates
9. Cumulative Returns
10. Official list of write-in candidates (if applicable)
11. List of ballots sent to each precinct --- including a list of actual ballot numbers

Conducting an Optical Scan and ExpressVote/Paper Ballot Canvass

(Counties must also follow touchscreen procedures for each precinct in counties where touchscreens are used for ADA compliance.)

1. Call the meeting to order --- a quorum of canvassing board must be present.
2. Set the amount of bond for a recount. The bond amount cannot be greater than \$300.00.
3. Select random precincts to hand count and begin to prepare the materials but do not start the hand count at this time. West Virginia law requires an accounting of the tabulating equipment used during the election. **Three percent**** of the precincts in counties using electronic voting equipment must be hand counted.

** Effective March 8, 2014 in	If you have this amount of precincts	THEN	Hand Count this amount of precincts	accordance with SB 359
The Board of Canvassers hand count by <u>random selection method</u> of random selection is Canvassers.	1 - 33		1	determines which precincts to held in an open meeting. The determined by the Board of
	34 - 66		2	
	67 - 100		3	
	101 - 133		4	
	134 - 166		5	
	167 - 200		6	
4. Prepare a well-bound book record all proceedings in results of the election (W. Va.				marked "election record," to ascertaining and declaring the Code §3-6-9(a)).

5. Have the materials for each precinct ready for the canvassing board.

NOTE: Handle only one precinct at a time. Finish all procedures for one precinct completely before starting the next. A precinct worksheet (found in the back of this booklet) should be completed for each precinct as each step is completed. If for any reason it becomes impracticable to count all or some of the ballots with tabulating equipment, the county commission may count them manually (W. Va. Code §3-4A-27(f)). Follow the aforementioned guidance governing the counting of paper ballots when doing so and file all information in the election record.

6. Compare the number of ballots cast on Election Day, early voting and absentee as reported on the Statement of Ballots Used (SBU) and the Absentee/Early Voting Record (AEVR) with the number of ballots tabulated. Voted paper ballots must be counted manually for comparison. *If the totals are not equal, count the ballot stubs or review the printed reports. Compare them to the number of signatures found on the poll tickets, poll book, or absentee applications.*
7. Open the "spoiled ballot" envelope and count the number of "spoiled ballots." Compare the number of spoiled ballots to the number reported on SBU and AEVR.
8. Open the "provisional ballot" envelope and count the number of "provisional ballots." Compare the number of provisional ballots to the number reported on SBU and AEVR.

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9. Determine the number of unused ballots, by reviewing the ballot stub numbers on the ballots.
10. Confirm that the total number of ballots received by the precinct equals the total of the ballots voted, the provisional ballots, the spoiled ballots and the unused ballots. If there is a discrepancy, the board of canvassers must make a determination of the difference and document their findings in the record of canvass.
11. Review the absentee ballots by mail received after Election Day that are to be counted. Absentee ballots are accepted if they are postmarked by the United States Postal Service no later than Election Day. Faxed, emailed, and online ballots are not to be accepted if they are received after the polls have closed. If the ballot is returned by an express shipping service, it must be received by the day after the election. If an absentee ballot is from a military or overseas voter, no postmark is required, but the ballot must be received before canvass starts in order to be counted.
12. Count the total number of absentee ballots. Place all absentee ballots that are to be counted in one stack. Place all absentee ballots not to be counted in the envelope for precinct.

Do not open the absentee ballots that are not counted.

13. Open all of the absentee ballots that are to be counted. Remove the outer envelope and stack the inner envelopes in a pile. Separate and shuffle the inner envelopes to maintain voter secrecy.
14. Open the envelopes and remove the ballots. Remove the ballot stub from each ballot (if applicable) and keep them separate from Election Day stubs. Set aside the ballots that have write-in votes to be tallied separately.
15. Tabulate each ballot and then continue with the write-in ballots. Once all ballots are tabulated, place the absentee ballots, stubs, and all other absentee material back in the precinct envelope. (This includes ballots that were not opened.) Document the number of absentee ballots in the record of canvass.
16. Review each provisional ballot. Determine if the provisional ballot is to be counted.
17. There are two methods to make the motion concerning validity of a provisional ballot.
 - a. You can make the motion for each ballot separately; or
 - b. You can make the motion for two groups of provisional ballots:
those to be counted and those NOT to be counted.
18. Every effort should be made to maintain the secrecy of the provisional voter. The names of the provisional voters should NOT be announced during the canvass.

NOTE: WEST VIRGINIA LAW REQUIRES THAT PRIVACY OF PROVISIONAL BALLOTS MUST BE ENSURED.

If there is only one provisional ballot from a precinct to be counted, place it with ballots from another precinct in the same district and enter the total for that precinct, but make note in the record of canvass. **Provisional ballots that are NOT counted are NOT TO BE OPENED.** They are to remain sealed and maintained with other election materials.

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19. Once the decision is made to count a ballot or group of ballots, open the outer envelope of the first provisional ballot. Mark the outer envelope and the front of the inner envelope with the number 1, continue with the other envelopes from that precinct in the same manner, marking those 2, 3, 4 etc. *Please note that the provisional ballots are marked and tracked pending any legal action.*
20. Shuffle the unopened inner envelopes. Open them one by one and remove the ballot. Number the back of the ballot to match the inner envelope. Check for write-in votes. Place the ballots with write-in votes in a stack to be reviewed following the same procedures as election night.
21. Tabulate the provisional ballots from each precinct separately. Add the votes to the original returns. Return the ballots to original inner envelopes only by matching the marked numbers.
22. Make an official record of the findings for each precinct, including the comparisons made, number of ballots cast, spoiled, unused, and provisional, etc. If there are any discrepancies, make a detailed note in the record of canvass for that precinct.
23. Keep a copy of the precinct report available for easy access as it may be needed to determine if ballots which do not have the required signatures may be counted. Ballots which do not contain the required poll clerk signatures may be counted if an accurate accounting is made for **all** ballots in the precinct in which the ballot was voted.

BEGIN THE HAND RECOUNT OF PRECINCTS

24. A quorum of the board of canvassers **must be present at all times**. If a quorum is not present at any time, the hand count must stop, prolonging the canvass. If commissioners need to leave, they should arrange with the other commissioners to ensure there is a quorum present at all times.
25. You can recess the hand count for breaks or lunch, but a quorum of the board must be present to begin again.
26. To perform the actual count, four individuals work together after having taken a written oath to perform duties fairly (W. Va. Code §3-4A-27(b)). Two members of opposite political parties read the votes cast on the ballot. The other two members of opposite political parties separately record the votes. Tally sheets should be used for this process. ***This requirement must be met by removing each roll from the envelope and manually reviewing each vote. The results can only be certified after each roll is reviewed as it is unrolled.***
27. Enter results of hand count in the record of canvass. Compare the hand count tallies with tabulated results of the same precincts.
28. If there is a difference between the tabulated results for any office caused by a mechanical failure of the tabulating equipment, the board of canvassers must determine the error and take corrective measures in accordance with West Virginia Code §3-4A-29. Once that correction is complete, those precincts that were affected by the error must be run through the equipment once again for final tabulation. All activities and issues must be entered in the board of canvassers' record.

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29. If there is a difference or more than 1% between the tabulated results for all offices on all ballots (total votes cast) in a precinct and the hand count result in that precinct, **all** precincts must be **hand** counted. Once finished, complete the Canvass Audit Verification Form and transmit to WVSOS.
30. Load the results into the Election Management Software. Follow the instructions for the utility program to forward the results to the Secretary of State's Office. Verify that the results have been received at the Secretary of State's Office.
31. Reseal all precinct materials in the appropriate envelopes. Declare the results and report the date and time of the declaration to the Secretary of State (multi-county races only) by phone or email (elections@wvsos.com).
32. Enter results in the official record of canvass.
33. West Virginia law requires the 48-hour recount request period to be uniform. In a single-county race, a recount may be requested within 48 hours after said county has declared the results. In a multi-county race (statewide, Senate, House, circuit and family court, Greater Huntington Parks and Recreation District), the 48-hour period does not begin until **after the last county affected** has declared the results. You cannot certify a race until after the 48-hour recount request period has ended. You can set and announce a date and time to certify the results keeping in mind that you may have to change that time based on when the recount request period legally ends for each race. The Secretary of State's Office will notify you of when the 48-hour period begins (W. Va. Code §3-6-9(a)(8)(A) and (B), *et seq.*).
34. Adjourn the board of canvassers.
35. Certify election results 48 hours after the declaration of results. Only certify results if a recount was NOT requested. (W. Va. Code §3-5-17, 3-6-9, 3-6-10).
36. Transmit certificates of results to the Secretary of State as soon as possible, but no later than 30 days after the Election. Board of canvassers transmits original certificates of election results for all offices to be filled by the voters of more than one county to the Secretary of State, along with copies of certificates of results for county candidates. (W. Va. Code § 3-5-17, 3-5-18).
37. Secure all election material for a minimum of 22 months following the election.

Conducting a Touch Screen (DRE/iVotronic) Canvass

1. Call the meeting to order --- a quorum of the canvassing board must be present.

2. Set the amount of bond for a recount. The bond amount cannot be greater than \$300.00.

3. Select random precincts to hand count and begin preparing the materials but do not start the hand count at this time. West Virginia law tabulating equipment used **percent**** of the precincts in equipment must be hand requires an accounting of the during the election. **Three** counties using electronic voting counted.

If you have this amount of precincts	THEN	Hand Count this amount of precincts
1 - 33		1
34 - 66		2
67 - 100		3
101 - 133		4
134 - 166		5
167 - 200		6

** Effective March 8, 2014 in

The Board of Canvassers hand count by random selection

accordance with SB 359

determines which precincts to held in an open meeting.

4. Prepare a well-bound book marked "election record," to record all proceedings in ascertaining and declaring the results of the election.

5. Place the materials for a precinct before you.

NOTE: Handle only one precinct at a time. Finish all procedures for one precinct completely before starting the next. A precinct worksheet (found in the back of this booklet) should be completed for each precinct as each step is completed. If for any reason it becomes impracticable to count all or some of the ballots with tabulating equipment, the county commission may count them manually (W. Va. Code §3-4A-27(f)). Follow the aforementioned guidance governing the counting of paper ballots when doing so and file all information in the election record.

6. Print precinct reports using the Election Management Software that include a minimum number of ballots cast, number of spoiled ballots, and number of provisional ballots. Instructions to print each report are in the voting machine guide.

7. Compare the number of cast election day ballots and absentee/early voting ballots entered on "Statement of Ballots Used" (SBU) and Absentee/Early Voting Record (AEVR) with the number of ballots tabulated. *If totals are not equal, review voter verified paper trail and printed reports. You should also compare them to the number of signatures found on the poll tickets, poll book, or absentee applications.*

8. Review the spoiled ballot numbers, provisional ballot numbers, and public count numbers as reported on the SBU to determine that they match the numbers as reported by the Election Management Software. If there is a discrepancy, the Board of Canvassers must make a determination of the difference and document their findings in the record of canvass.

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9. Review the absentee ballots by mail received after Election Day that are to be counted. Absentee ballots are accepted if they are postmarked by the United States Postal Service no later than Election Day. Faxed, emailed, and online ballots are not to be accepted if they are received after the polls have closed. If ballots are returned by express shipping service, they must be received by the day after the election. If the absentee ballot is from a military or overseas voter, no postmark is required, but the ballot must be received before canvass starts.

10. Count the total number of absentee ballots. Place all absentee ballots to be counted in one stack. Place all absentee ballots not to be counted in the envelope for the precinct.

NOTE: If any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a duplicate copy is to be made of the damaged ballot in the presence of representatives of each political party on the ballot. Use the duplicate as a substitute when counting, and be sure to clearly label it "DUPLICATE." Place a serial number on both the damaged ballot and the duplicate, all while documenting this in the election record. (W. Va. Code §3-4A-27(d)).

Do not open the absentee ballots that are not counted.

11. Open all absentee ballots that are to be counted. Remove the outer envelope and stack the inner envelope in a pile to be counted. Separate the envelopes and shuffle the inner envelopes to maintain the secrecy of the ballot.

12. Open the envelopes one by one and remove the ballot from the envelope. Remove the ballot stub and keep it separate from Election Day stubs.

13. Ballots can be tabulated by entering them onto a designated touchscreen device and merging the results into the Election Management Software, or by manually entering the tallied results into the Election Management Software.

NOTE: If you are entering the ballots into the Election Management Software by hand, open the program and select "Update Election Results Manually" from the "Update Menu." Then select the precinct number from the applicable list. A screen will appear to manually input the results. You can print a precinct number report from the software to confirm correct numbers.

14. Once you have tabulated all of the ballots, place the absentee ballots, stubs, and all other absentee material back in the original envelope and ensure it is sealed. (This includes ballots that were not opened.) Enter number of absentee ballots in the record of canvass.

NOTE: Remember to tally write-in ballots simultaneously with other ballots (W. Va. Code 3-4A-27(c)(1)).

15. Review the provisional ballot sheets completed by the voter and poll workers on Election Day. Determine if each provisional ballot is to be counted. (See the enclosed provisional ballot chart on page 13.)

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16. There are two methods to make the motion concerning validity of a provisional ballot.
- You can make the motion for each ballot separately; or
 - You can make the motion for two groups of provisional ballots: those to be counted and then those NOT to be counted.

17. Every effort should be made to maintain the secrecy of the provisional voter. Although, the information is accessible to the public, names of the provisional voters should NOT be announced during the canvass.

NOTE: WEST VIRGINIA LAW REQUIRES THAT PRIVACY OF PROVISIONAL BALLOTS MUST BE ENSURED.

If the voter used a paper ballot for provisional instead of the voting machine, and if there is only one provisional ballot from a precinct to be counted, place it with ballots from another precinct in the same district and enter the total for that precinct, but make note in the record of canvass. **Provisional ballots that are NOT counted are NOT TO BE OPENED.** They are to remain sealed and maintained with other election materials.

18. Once the decision is made to count a ballot or group of ballots, use the Election Management Software to enter the provisional ballot number from each sheet within each respective precinct. Instructions on completing this process can be found in the “Canvassing Processes” section of the *Preparation through Canvass* manual for your voting equipment. The Election Management Software will automatically provide new results that include the provisional ballots.

The coded ballots can be found under the “Tabulator” menu on the software. Select “Process Coded Ballots,” and then choose the numbers of the ballots that coincide with the approved provisional ballots.

BEGIN THE HAND COUNT

19. A quorum of the board of canvassers **must be present at all times**. If a quorum is not present at any time, the hand count must stop, prolonging the canvass. If commissioners need to leave, they should arrange with the other commissioners to ensure there is a quorum present at all times.

20. You can recess the hand count for breaks or lunch, but a quorum of the board must be present to begin again.

21. To perform the actual count, teams of four individuals work together after having taken a written oath to perform duties fairly. (W. Va. Code §3-4A-27(b)). Two members of opposite political parties read the votes cast on the paper trail and the other two members of opposite political parties separately record the votes on the tally sheets. ***This requirement must be met by removing each roll from the envelope and manually reviewing each vote. The results can only be certified after each roll is reviewed as it is unrolled.***

22. Enter the results of the hand count in the record of canvass. Compare the hand count tallies with tabulated results of the same precincts.

23. If there is a difference between the tabulated results for any office caused by a mechanical failure of the tabulating equipment, including a paper jam of the printer, the board of canvassers must determine the error and take corrective measures in accordance with West Virginia Code §3-4A-29. Therefore, if during the canvass, the board of canvassers comes across a paper jam that misconstrues the recorded votes, it will be

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necessary to print ballot images from the applicable flashcard(s) of each machine affected. These ballot images should be used in place of only the unreadable ballots.

Select the "Create Vote Image Log" from the "Tabulators" menu. (This can only be done after processing the coded ballots.) Once the log is created, select the "iVotronic DRE" from the "Tabulators" menu and then select "Print Vote Image Log."

24. Once the error has been corrected and the correct tabulation ascertained, all activities and issues must be entered in the record of the canvass.

25. If there is a difference or more than 1% between the tabulated results for all offices on all ballots (total votes cast) in a precinct and the hand count result in that precinct, **all** precincts must be **hand** counted. Once finished, complete the Canvass Audit Verification Form and transmit to WVSOS.

26. Make an official record of the findings on each precinct, including the comparisons made, number of ballots cast, spoiled, unused, and provisional, etc. (W. Va. Code §3-6-9(a)). If there are any discrepancies, make a detailed note in the record of canvass for that precinct.

27. Keep a copy of the precinct report available for easy access as it may be needed to determine if the ballots which do not have the required signatures may be counted. Ballots which do not contain the required signatures may be counted if an accurate accounting is made for **all** ballots in the precinct in which the ballot was voted.

28. Reseal all precinct materials. Declare the results. *Reminder:* In accordance with West Virginia code §3-4A-28(a), during the seven days immediately after the canvass, "any candidate or the local chair of a political party may be permitted to examine any of the materials sealed: Provided that a notice of the time and place of the examination is posted at the central counting center before or on the hour of nine o'clock in the morning on the day the examination is to occur..."

29. Enter results in the official record of canvass.

30. West Virginia law now requires the 48-hour recount request period to be uniform in a multi-county race (statewide, Senate, House, circuit and family court, Greater Huntington Parks and Recreation District). The 48-hour period does not begin until **after the last county affected** has declared the results. (W. Va. Code §3-6-9(a)(8)(A) and B *et seq.*). You cannot certify a race until after the 48-hour recount request period has ended. You can set and announce a date and time to certify the results keeping in mind that you may have to change that time based on when the recount request period legally ends for each race. The Secretary of State's Office will notify you when the 48-hour period begins. *(See page 29 for further instructions on Certification.)*

31. Adjourn the board of canvassers.

32. Certify election results 48 hours after the declaration of results. Only certify results if a recount was NOT requested. (W. Va. Code §3-5-17, 3-6-9, 3-6-10).

33. Transmit certificates of results to the Secretary of State as soon as possible, but no later than 30 days after the Election. Board of canvassers transmits original certificates of election results for all offices to be filled by

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the voters of more than one county to the Secretary of State, along with copies of certificates of results for county candidates. (W. Va. Code § 3-5-17, 3-5-18).

34. Once the information is completely loaded into the Election Management Software, follow the instructions for the utility program to forward the results to the Secretary of State's Office.

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Canvassing Provisional Ballots

The following is provided as guidance for deciding whether or not to count provisional ballots. In all instances it is the duty of the Board of Canvassers to evaluate the information provided and make the determination whether to count the ballot.

	Reason for Provisional Ballot	Suggestion for counting
A.	Voter is NOT a registered voter in your county	NO W. Va. Code §3-1-3
B.	Voter had a name change . If voter meets all of the following: <ul style="list-style-type: none"> • is a registered voter of your county; • voted in precinct in which registered; • affirmed change with signature on poll ticket; and • has no other valid challenge 	YES
C.	Voter moved to address within county in a new precinct. If voter meets all of the following: <ul style="list-style-type: none"> • is a registered voter of your county; • voted in precinct for the new address; • affirmed change with signature on poll ticket; and • has no other valid challenge 	YES W. Va. Code §3-2-31(c)
D.	Voter changed address in county. If voter: <ul style="list-style-type: none"> • has voted in precinct which is NOT the precinct of the new address 	NO W. Va. Code §3-2-31(c)
E.	Voter is handicapped and voted outside current precinct but within county. If voter: <ul style="list-style-type: none"> • is a registered voter in your county; and • is currently registered in a precinct that is NOT handicapped accessible. <p style="text-align: center;">– OR –</p> <ul style="list-style-type: none"> • is currently registered in a precinct that is appropriately handicapped accessible 	YES -- but count only races and/or issues on the ballot in voter's correct precinct NO W. Va. Code §3-1-34(b)
F. <i>(Primary elections only)</i>	Voter voted a ballot for a political party different from the one in which he/she is registered. If voter: <ul style="list-style-type: none"> • voted a ballot of a different political party affiliation than that of their current, signed registration card. <p>** Does not apply to those not registered in one of the four political parties in West Virginia.</p>	NO W. Va. Code §3-2-31(a)
G.	Voter was a poll worker... <ul style="list-style-type: none"> • if voter has no other valid challenge 	YES -- but count only races and/or

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		issues on the ballot in voter's correct precinct.
H.	<p>Voter received assistance believed unnecessary. If it is determined by the board of canvassers that...</p> <ul style="list-style-type: none"> • assistance received was NOT necessary <li style="text-align: center;">– OR – • assistance received WAS NECESSARY 	<p>NO</p> <p>YES W. Va. Code §3-1-34(b)</p>
I.	Voter requested an absentee ballot by mail and appeared at the polls to vote. The voter did not return the absentee ballot to the election commissioners.	Board of Canvassers must determine if an absentee ballot was returned to the county clerk.
J.	Voter voted an absentee ballot, but absentee ballot application was completed incorrectly, contained false statements, or false declaration.	Board of Canvassers determines if the errors were sufficient to deny the ballot.
K.	Voter voted for first time since registering to vote without showing any forms of ID listed in W. Va. Code 3-2-10(g), and did not provide copy of ID when voting or with absentee ballot.	NO – unless voter provided form of ID to county before Canvass.
L.	<p>An absentee voter's handwriting is not the same on his/her voter's registration card, ballot application, and absent voter's ballot envelope.</p> <ul style="list-style-type: none"> • Consider illness, age, disabilities, etc. when comparing the absentee ballot application and the absent voter's ballot envelope to the voter's registration card 	Board of Canvassers determines if signature is the same and acts accordingly.
M.	<p>Signature on poll slip is not in the same handwriting as the signature on the registration card.</p> <ul style="list-style-type: none"> • Consider illness, age, disabilities, etc. when making this determination 	Board of Canvassers determines if signature is the same and acts accordingly. W. Va. Code §3-10-3(b)(4)
N.	Ballot does not contain proper signatures of poll clerks due to poll worker error or any other poll worker error.	YES – if all ballots in precinct can be accounted for
O.	Absentee return envelope does NOT contain signature of voter.	NO
P.	Voter has died after absentee ballot was cast. (Absentee ballot should not be challenged due only to death.)	YES
Q.	Voter has written in a candidate who is NOT an official write-in candidate.	NO W. Va. Code §3-1-34(c)(4)

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R.	A voter’s choices for an office exceeds the number of candidates permitted to be elected to that office.	NO W. Va. Code §3-1-34(c)(3)
S.	A technical error has occurred. If... <ul style="list-style-type: none"> • it can be reasonably ascertained that the challenged voter was entitled to vote and his or her choices are able to be clearly determined 	YES W. Va. Code §3-1-41(e), 3-6-5(c)
T.	The voter signature on the absentee application does NOT match the signature on the voter registration record. <p style="text-align: center;">-AND-</p> The voter signature on the absentee return envelope matches the signature on the voter registration record.	YES W. Va. Code §3-3-10(b)(4)
U.	The voter signature on the absentee application does NOT match the signature on the voter registration record. <p style="text-align: center;">-AND-</p> The voter signature on the absentee return envelope does NOT match the signature on the voter registration record.	NO W. Va. Code §3-3-10(b)(4)

Worksheets & Forms

**** Forms may be found on the Secretary of State's website at www.wvsos.com
In the Election Administrators section of the Elections Division**

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OPTICAL SCAN/PAPER PRECINCT CANVASSING WORKSHEET

This worksheet follows the steps found under "Performing an Optical Scan/Paper Ballot Canvass."

_____ PRIMARY/GENERAL/SPECIAL ELECTION
Precinct # _____ District _____

Precinct Ballots Tabulated

Number of Election Day ballots cast: _____
Number of early voting ballots cast: + _____
Number of absentee ballots cast: + _____
Total Number of Ballots Tabulated: = _____

Total Number of Ballots Tabulated should equal the total of all ballots cast for that precinct.

Election Day Ballot Verification

Only use Election Day ballots for each calculation

Number of ballots cast: _____
Number of spoiled ballots: + _____
Number of provisional ballots: + _____
Number of unused ballots: + _____
Total Number of Ballots: = _____

Total Number of Ballots should equal the total number of ballots sent to precinct. This should be documented on the supply receipt and report on file with the County Clerk.

Precinct Ballots Counted at Canvass

Total Number of Absentee Ballots received after Election Day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precincts: _____

Primary Only: Democratic Ballots: _____

Republican Ballots: _____

Mountain Ballots: _____

Libertarian Ballots: _____

Non-Partisan Ballots: _____

Total Number of Provisional Ballots counted at canvass: _____

Primary Only: Democratic Ballots: _____

Republican Ballots: _____

Mountain Ballots: _____

Libertarian Ballots: _____

Non-Partisan Ballots: _____

**TOUCH SCREEN DEVICE
PRECINCT CANVASSING WORKSHEET**

This worksheet follows the steps found under "Performing an Optical Scan/Paper Ballot Canvass."

_____ **PRIMARY/GENERAL/SPECIAL ELECTION**

Precinct # _____ District _____

Ballots cast (Utilize Public Count): _____

Number of Early Voting ballots cast: + _____

Number of Absentee ballots cast: + _____

Total Number of Ballots Tabulated: = _____

Total Number of Ballots Tabulated should equal the total of all ballots cast for that precinct.

Total Number of Spoiled Ballots and Provisional Ballots reported on the Election Management Software should equal the numbers reported by the poll workers.

Total Number of Absentee Ballots received after Election Day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precincts: _____

Primary Only:	Democratic Ballots:	_____
	Republican Ballots:	_____
	Mountain Ballots:	_____
	Libertarian Ballots:	_____
	Non-Partisan Ballots:	_____

Total Number of Provisional Ballots counted at canvass: _____

Primary Only:	Democratic Ballots:	_____
	Republican Ballots:	_____
	Mountain Ballots:	_____
	Libertarian Ballots:	_____
	Non-Partisan Ballots:	_____

Findings of Board of Canvassers: *(Attach additional sheets if necessary.)*

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EXPRESSVOTE PRECINCT CANVASSING WORKSHEET

This worksheet follows the steps for performing an ExpressVote Precinct Canvass.

_____ PRIMARY/GENERAL/SPECIAL ELECTION

Ballots cast (utilize Public Count): _____

Number of Early Voting ballots cast: + _____

Number of Absentee ballots cast: + _____

Total Number of Ballots Tabulated: = _____

Total Number of Ballots Tabulated should equal the total of all ballots cast for that precinct.

Spoiled and Provisional Ballots

Total Number of Spoiled Ballots _____

Total Number of Provisional Ballots + _____

Total Number of Spoiled and Provisional Ballots in Election Management System = _____

Total Number of Spoiled Ballots and Provisional Ballots reported on the Election Management Software should equal the numbers reported by the poll workers.

Total Number of Absentee Ballots received after Election Day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precincts: _____

<i>Primary Only:</i>	<i>Democratic Ballots:</i>	_____
	<i>Republican Ballots:</i>	_____
	<i>Mountain Ballots:</i>	_____
	<i>Libertarian Ballots:</i>	_____
	<i>Non-Partisan Ballots:</i>	_____

Total Number of Provisional Ballots counted at canvass: _____

<i>Primary Only:</i>	<i>Democratic Ballots:</i>	_____
	<i>Republican Ballots:</i>	_____
	<i>Mountain Ballots:</i>	_____
	<i>Libertarian Ballots:</i>	_____
	<i>Non-Partisan Ballots:</i>	_____

Findings of Board of Canvassers: *(Attach additional sheets if necessary.)*

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OPTICAL SCAN/EXPRESSVOTE BALLOTS CAST AND COUNTED – PRIMARY
ELECTION YEAR _____ **COUNTY** _____

(to be completed at the end of canvass)

Type Of Ballot	Number of Ballots (include ALL Op. Scan/ExpressVote, Absentee & Provisional Ballots) <small>*will equal # of poll slips signed</small>	- (minus)	Number of Provisional Ballots NOT Counted	= (Equals)	Total Number of Ballots Counted
Democrat		-		=	
Republican		-		=	
Mountain		-		=	
Libertarian		-		=	
Non-Partisan <small>(person who voted non- partisan ballot only)</small>		-		=	
Total		-		=	

****Send copy of Ballots Cast & Counted to Secretary of State upon declaration of election results.****

Provisional Ballot Categories:	Not Counted	Counted	Total
Not Registered:	_____	_____	_____
Wrong Precinct:	_____	_____	_____
No Signature:	_____	_____	_____
Other:	_____	_____	_____

Total # of Provisional Ballots: _____

Total # of Early Voted Ballots: _____

Total # of Absentee Ballots: _____

Total # of Absentee by Fax/Email/Online: _____

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BALLOTS CAST AND COUNTED - PRIMARY

ELECTION YEAR _____ **COUNTY OF** _____

(to be completed at the end of canvass)

Type Of Ballot	Number of Ballots (include ALL DRE, Absentee & Provisional Ballots) <small>*will equal # of poll slips signed</small>	- (minus)	Number of Provisional Ballots NOT Counted	= (Equals)	Total Number of Ballots Counted
Democrat		-		=	
Republican		-		=	
Mountain		-		=	
Libertarian		-		=	
Non-Partisan (person who voted non-partisan ballot only)		-		=	
Total		-		=	

Send copy of Ballots Cast & Counted to Secretary of State upon declaration of election results.

Provisional Ballot Categories:	Not Counted	Counted	Total
Not Registered:	_____	_____	_____
Wrong Precinct:	_____	_____	_____
No Signature:	_____	_____	_____
Other:	_____	_____	_____

Total # of Provisional Ballots: _____

Total # of Early Voted Ballots: _____

Total # of Absentee Ballots: _____

Total # of Absentee by Fax/Email/Online: _____

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BALLOTS CAST AND COUNTED - GENERAL/SPECIAL

ELECTION YEAR

(to be completed at the end of canvass)

COUNTY OF _____

	Number of Ballots Voted (include ALL ballots, including Absentee & Provisional) <small>*will equal # of poll slips signed</small>	- (minus)	Provisional Ballots NOT Counted	= (equals)	Counted Total Ballots
Total Ballots		-		=	

Send copy of Ballots Cast & Counted to Secretary of State upon declaration of election results.

Provisional Ballot Categories:	Not Counted	Counted	Total
Not Registered:	_____	_____	_____
Wrong Precinct:	_____	_____	_____
No Signature:	_____	_____	_____
Other:	_____	_____	_____

Total # of Provisional Ballots _____

Total # of Early Voted Ballots _____

Total # of Absentee Ballots _____

Total # of Absentee by Fax/Email/Online _____

ELECTION RESULTS BY POLITICAL PARTY - CERTIFICATE FORMATTING AND GUIDANCE

W. Va. Code §3-5-17 requires the board of canvassers to prepare a record showing the number of votes cast for each candidate of each political party and the total number of votes cast. The board shall make up a certificate for each political party showing the total number of votes each respective candidate receives in the county, using the following format:

“The board of canvassers of the county of _____ of West Virginia, having carefully and impartially examined the returns of the _____ election held in said county on the ___ day of _____ of 20___, so hereby certify that in said county or district, at said election, on the official ballot of the _____ party for the office of _____, A.B. received _____ votes; C.D. received _____ votes...”

****NOTE:** Do not forget to have all commissioners (or a majority thereof) sign the certificates.

Use this format for each political party until all candidates and all parties have been accounted for. Upon completion, members (or a majority of the board) shall sign the certificate. (W. Va. Code §3-5-17). Provide the one copy of the certificate with the clerk of the county commission and provide another copy to the Secretary of State.

CONSTITUTIONAL AMENDMENT CERTIFICATE - FORMATTING AND GUIDANCE

If a Constitutional amendment appears on the ballot in any election, the commissioners and canvassers (if any) shall make out and sign 2 certificates for each amendment. One certificate is to be filed with the county circuit court, and the other is to be filed with the Secretary of State. Use the following format outlined in W.

Va. Code §3-11-5 when creating certificates:

“We, the undersigned, who acted as commissioners (or canvassers, as the case may be), of the election held at Precinct No.____, in the district of _____ in the county of _____, on the ___ day of _____, two thousand _____, upon the question of ratification or rejection of the proposed Constitutional amendment, do hereby certify that the result of said election was as follows:

Amendment No. ____

(title of amendment)

For ratification ____ votes

Against ratification ____ votes

Given under our hands this ____ days of _____ two thousand _____.”

****NOTE: Do not forget to have all commissioners (or a majority thereof) sign the certificates.**

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Canvass Precinct Audit Verification Form

Summary:

West Virginia CSR 153-18-7 requires the Board of Canvassers in each county to tally, by hand, the ballots of a number of precincts equal to 3% of the total number of precincts in the jurisdiction, not fewer than 1 precinct, and with fractions rounded to the nearest whole number, according to the table provided in CSR § 153-18-7.1.

Submission Instructions:

This form shall be signed by each member of the Board of Canvassers present at the time of the audit, which must be submitted to the Secretary of State’s Office simultaneously with the Certification of Election Results following canvass. This form may be submitted via email to the Elections Division at Elections@wvsos.com, or via U.S. Mail to WV Secretary of State’s Office, State Capitol, Building 1, Ste. 157-K, Charleston, WV 25305.

COMPLETE EACH SECTION BELOW

- 1. Total number of precincts audited (see table at CSR § 153-18-7.1):
2. Briefly describe the method of selection used to randomly determine the precincts to be audited (e.g. random drawing, not arbitrarily selected; see CSR § 153-18-7.2):
3. List the names of all individuals who participated in the audit (continue on a new sheet if needed):
4. Provide any differences between the original electronic returns and hand-counted audit returns (continue on a new sheet if needed):

NOTICE: pursuant to CSR § 153-18-7.5, “[i]f the difference between the tabulated results of the randomly selected precincts and the hand counted results of the same ballots is more than 1% of the total votes cast, all precincts must be hand counted.”

Precinct #: Office/Race: Original Returns: Hand Count Returns: (repeated for two columns)

[continued on next page]

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Precinct #: _____
Office/Race: _____
Original Returns: _____
Hand Count Returns: _____

Precinct #: _____
Office/Race: _____
Original Returns: _____
Hand Count Returns: _____

Precinct #: _____
Office/Race: _____
Original Returns: _____
Hand Count Returns: _____

Precinct #: _____
Office/Race: _____
Original Returns: _____
Hand Count Returns: _____

We, the members of the Board of Canvassers for _____ County, WV, hereby certify that all required procedures set forth in CSR § 153-18-7 have been followed as reflected above on this form.

Printed Name

Signature

Date

Printed Name

Signature

Date