



J Mc &lt;joycemccloy@gmail.com&gt;

---

**Fwd: 2016 General Election Sample Audit**

---

**Degraffenreid, Veronica** <Veronica.Degraffenreid@ncsbe.gov>  
To: "joycemccloy@gmail.com" <joycemccloy@gmail.com>

Fri, Dec 2, 2016 at 10:03 PM

Get Outlook for iOS

---

From: Blackman, Allison <allison.blackman@ncsbe.gov>  
Sent: Wednesday, November 9, 2016 3:52 PM  
Subject: 2016 General Election Sample Audit  
To: SBOE\_Grp - Directors.BOE <directors.boe@ncsbe.gov>  
Cc: SBOE\_Grp - SEIMS.ADD.BOE <seims.add.boe@ncsbe.gov>

Dear Directors,

Great job during a busy General Election. This e-mail outlines the process for sample hand-to-eye count audits.

**The assigned samples:** The first attachment is a listing of the samples that were randomly selected to be counted in each county (2 per county).

**Which contest is to be counted:** President of the United States

The second attachment is a sample audit form with the candidate names already entered. This can be used to guide and keep a record of the sample audit count. Do not send this form to SBE. Keep this record along with other materials from the election.

The hand-to-eye counts required for this process are not recounts (although they are similar processes) and must occur before your county canvass. Only perform the hand count on ballots read by the machine already. So, if your sample is mail-in absentees, do not include absentee ballots that have not been approved. The same would go for provisional ballots that have not been approved.

**Reporting sample audit results to SBE:** Here is the link to the survey to report your sample audit results for the 11/08/16 election:

After identifying your county, there will be separate pages for each sample. Consider waiting until BOTH counts have been completed before completing this survey. However, it is possible to report the samples one at a time, as long as

you complete a full page of the survey (which saves the information), and as long as you return to the same computer.

If your count does show any discrepancy between any machine count and the hand count, please be sure to explain in detail. SBE staff will follow up if necessary.

Below are the statutes on sample audits, as well as an administrative rule to use for guidance as to how conduct the count using a multi-party team. County Board members can be the team counters if needed, although the best practice is to have others perform this task. Remember that this should be a process open to the public and you should provide notice to the public and your county party chairs of the county in the same way a County Board of Elections meeting would be noticed.

### **§ 163-182.2. Initial counting of official ballots.**

(b) The State Board of Elections shall promulgate rules for the initial counting of official ballots. All election officials shall be governed by those rules. In promulgating those rules, the State Board shall adhere to the following guidelines:

(1) For each voting system used, the rules shall specify the role of precinct officials and of the county board of elections in the initial counting of official ballots.

(1a) **(Effective until January 1, 2018)** For optical scan and direct record electronic voting systems, and for any other voting systems in which ballots are counted other than on paper by hand and eye, those rules shall provide for a sample hand-to-eye count of the paper ballots or paper records of a sampling of a statewide ballot item in every county. The presidential ballot item shall be the subject of the sampling in a presidential election. If there is no statewide ballot item, the State Board shall provide a process for selecting district or local ballot items to adequately sample the electorate. The State Board shall approve in an open meeting the procedure for randomly selecting the sample precincts for each election. The random selection of precincts for any county shall be done publicly after the initial count of election returns for that county is publicly released or 24 hours after the polls close on election day, whichever is earlier. The sample chosen by the State Board shall be of one or more full precincts, full counts of mailed absentee ballots, and full counts of one or more one-stop early voting sites. The size of the sample of each category shall be chosen to produce a statistically significant result and shall be chosen after consultation with a statistician. The actual units shall be chosen at random. In the event of a material discrepancy between the electronic or mechanical count and a hand-to-eye count, the hand-to-eye count shall control, except where paper ballots or records have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count. If the discrepancy between the hand-to-eye count and the mechanical or electronic count is significant, a complete hand-to-eye count shall be conducted. The sample count need not be done on election night.

### **§ 163-108 NCAC 09 .0106 GENERAL GUIDELINES**

(a) Prior to each recount, the board of elections shall confer with affected parties and candidates and describe to them the process of conducting recounts.

(b) In the case of tie votes, the winner shall be determined by lot only in the case set out in G.S. 163-182.8(2). Where there are 5,000 or fewer votes cast, there shall be only one determination by lot for each tied election. There shall be no determination by lot until the time has expired for the affected candidate(s) to request a recount, unless all of the affected candidate(s) waive their right in writing to request a recount.

(c) During the conduct of recounts, in the cases where the board of elections must interpret the voter's choice, the following shall apply:

(1) When it is impossible to determine a voter's choice for an office, the ballot shall not be counted for that office but shall be counted for all other offices;

(2) If a ballot is marked for more names than there are positions to be filled, it shall not be counted for that office but shall be counted for all other offices;

(3) If a ballot has been defaced or torn by a voter so that it is impossible to determine that voter's choice for one or more offices, it shall not be counted for such offices but shall be counted for all offices for which the voter's choice can be determined; and

(4) If a voter has done anything to a ballot other than mark it properly with pen or pencil, it shall be counted unless such action by the voter makes it impossible to determine the voter's choice.

(d) The following shall apply in counting punch card ballots:

(1) All of the candidates for whom the voter has indicated a preference shall be counted if the corresponding chad is completely punched out or hanging by one corner (showing that three of the four corners have been punched out); and

(2) If the chad has not been punched out or is not hanging by one corner, then the determination must be made if the voter has shown consistency in marking the ballot. If the voter has shown consistency in marking choices on the ballot - all of the candidates for whom the voter has indicated a preference shall be counted.

(e) In conducting recounts of lever, direct record electronic, and any other types of voting machines that require a county board member or designated official to reprint tapes and to read the totals and another board member to record the totals for each candidate such recount shall be conducted by a bi-partisan team of four: two officials (one from each of the two parties having the largest number of registered voters in the state) reading and confirming the totals per machine and two officials (one from each of the two parties having the largest number of registered voters in the state) recording the results simultaneously.

(f) In conducting hand to eye recounts or recounts of paper ballots, a bi-partisan team of four shall be used: two officials (one from each of the two parties in the State with the largest number of registered voters) to relay the results of each ballot with one person reading the ballot and the other official observing the ballot and the person reading the results of the ballot, and two officials (one from each of the two parties in the State with the largest number of registered voters) recording the tally of votes for each candidate on paper while stating aloud after each choice is read on the fifth tally for a particular candidate, the word "tally."

(g) The county board of elections shall conduct recounts in two circumstances. In the first circumstance, the recount is mandatory under G.S. 163-182.7(b). In the second circumstance, the recount is not mandatory but the county board of elections or the State Board of Elections determines, using its authority in G.S. 163-182.7(a), that in order to complete the canvass a recount is necessary.

(h) A candidate shall have the right to call for a hand-eye recount, as to elections conducted by optical scan marksense or punchcard systems, within 24 hours after a mandatory or discretionary recount or by noon on the next business day of the county board office, whichever is later, if the apparent winner is the apparent loser after the first recount, unless human error resulted in the vote count change.

(i) Any candidate shall have the right to file an election protest within 24 hours after a recount or by noon of the next business day of the county board office, whichever is later.

History Note: Authority G.S. 163-22; 163-182.7;

Temporary Adoption Eff. April 15, 2002;

Eff. August 1, 2004.

Allison Blackman | N.C. State Board of Elections | Elections Specialist| 919.715.4746| allison.blackman@ncsbe.gov |www.NCSBE.gov





**Sample Audit Record Form 8NOV2016.docx**

24K