

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: MAY 17, 2022 GENERAL :
PRIMARY FOR THE :
REPUBLICAN NOMINEE FOR : **No. 301 M.D. 2022**
THE OFFICE OF THE UNITED :
STATES SENATE :

**ACTING SECRETARY CHAPMAN’S AMICUS RESPONSE TO THE
AMENDED PETITION FOR RECOUNT AND RECANVASS**

Pursuant to this Court’s June 1, 2022 order, Leigh M. Chapman, Acting Secretary of the Commonwealth of Pennsylvania, by and through her undersigned counsel, hereby responds as amicus curiae to Petitioners’ Amended Petition for Recount and Recanvass (Petition).

Statement of the Interest of Amicus Curiae

The Acting Secretary of the Commonwealth of Pennsylvania, as head of the Department of State, has the duty “to care for, compile, publish, and certify, returns of elections” in the Commonwealth. 71 P.S. §§ 66, 273. The Acting Secretary has numerous enumerated powers under the Pennsylvania Election Code to enforce and administer the Commonwealth’s election laws, including to order a county board to conduct a recount or recanvass of an election. 25 P.S. § 2621(f.2). Accordingly, the Acting Secretary has a substantial interest in the Pennsylvania Election Code being properly interpreted and applied. Finally, the Court invited the Acting Secretary to provide a response to the Petition in its June 2, 2022 order.

Discussion

Petitioners seek: (1) the opening and recount by hand of ballot boxes and their paper ballots, including all absentee, mail-in, provisional and emergency ballots; (2) the recanvass of voting machines; and (3) the recount and recanvassing of the votes cast on such ballots and machines in certain counties and limited election districts within those counties. Petitioners make their request pursuant to Sections 1701(a.1), 1702(a)(2), and 1703(a) of the Pennsylvania Election Code, 25 P.S. §§ 3261(a.1), 3262 (a)(2) and 3263(a). This petition is both premature and inadequate.

Sections 1701(a.1) and 1702(a)(2) are limited to “cases resulting from a recount or recanvass order by the Secretary of the Commonwealth” 25 P.S. § 3261(a.1); 3262(1)(2).¹ While a recount has been ordered by Acting Secretary Chapman, this Petition cannot be characterized as *resulting* from that recount because the county reports are not required to be submitted to Acting Secretary Chapman until Noon on Wednesday, June 8, 2022. An effect cannot precede its cause. Because the results of the recount are not yet known, Petitioners’ efforts to challenge those results are premature.

Additionally, Section 1702 only applies to the recanvassing of voting

¹ Petitions filed under Sections 1701(a) and 1702(a) must be made to the court of common pleas of the county in which the election district is located. 25 P.S. § 3261(a), 3262(a). Because Petitioners have chosen to file their petition in this Court, they are constrained to filing under Sections 1701(a.1) and 1702(a)(2), which renders their petition premature.

machines. This section of the Election Code is no longer applicable as all electronic voting systems currently certified for use in the Commonwealth have a voter verifiable paper ballot.

Section 1703(a) provides procedures for a petition filed under Sections 1701 and 1702 of the Election Code, which, as just discussed, is premature here. 25 P.S. § 3263(a)(1). Additionally, Section 1703(a), read *in pari materia* with the prior two sections, *see* 1 Pa. C.S. § 1932(b), provides for two kinds of recount. If the petition pleads only generalized allegations of fraud or error, then the “recount or recanvass shall include *all* election districts in which ballots were cast for the office in question” and the bond “*must* be filed in each election district in accordance with this act.” 25 P.S. § 3263(a)(1)(i) (emphasis added). If, however, the petition “pleads that a particular act of fraud or error occurred and offers prima facie evidence supporting the allegation[,]” the recount need not include all election districts. 25 P.S. § 3263(a)(1)(ii).

Here, Petitioners have not pled any particular act of fraud or error, or proffered any prima facie evidence supporting a claim of a particular fraud or error. However, petitioner have also not sought to include in their request all election districts in the 12 counties at issue, or provide the mandatory bond for each election district in these counties. The Petition, therefore, is inadequately plead.

Moreover, Petitioners’ generalized concerns about possible errors may be

addressed by the ongoing recount. It appears that Petitioners' claims of error may be based on statistical analyses comparing historical undervotes in the identified 150 election districts identified in their Petition, with undervotes alleged to have been reported in the 2022 Republican Primary for the office of United States Senator. And upon their belief that any statistical differences between the 2022 General Primary and historical data is based on incorrect tabulations of ballots at the 2022 General Primary. This belief is misguided. All 67 counties were provided a document produced by the Department of State, entitled "Best Practices for Canvass and Recount Procedures," dated May 5, 2022.² This document includes, at page 8, item 4, and page 9, item 7, direction that all ballots containing overvotes, undervotes, or marginal marks are to be counted manually. Therefore, the recount already occurring should mitigate any erroneous undervotes.

Further, guidance was also provided to counties through a Directive entitled "Statewide Return and Recount Directive and Procedures," dated November 1, 2020.³ This Directive was produced under the Secretary's authority to issue Directives or Instructions for implementing of electronic voting procedures and for the operation of electronic voting systems contained at Section 201(f), 1105-A(a) and (b), and 1107-A of the Election Code, 25 P.S. §§ 2621(f.1), 3031.5(a) and (b),

² A copy of this guidance is attached as Attachment A.

³ A copy of this Directive is attached as Attachment B.

and 3031.7. This Directive includes, at page 4, the requirement that “[a]ll ballots containing overvotes, undervotes or marginal marks must be counted manually.” This again demonstrates that the ongoing recount should include manual counting of all undervotes and overvotes.

Finally, no order or adjudication of the court under Sections 1701 or 1702 is considered final so as to preclude an election contest, or affect the official returns of any election district, “unless a petition to open the ballot boxes . . . shall have been presented before the certification of the returns of the county by the county board, or unless a contest shall have been instituted in the manner provided by [Article XVII of the Election Code].” 25 P.S. § 3263(b). The county report of the results of the recount is not a certification. Therefore, Petitioners can afford to allow the results of the Secretary-ordered recount to be reported without affecting their opportunity to seek the opening of ballot boxes.

Conclusion

For the foregoing reasons, the Petition should be denied. Counsel for the Acting Secretary, as amicus curiae, will be available to the Court at the hearing scheduled on June 6, 2022 to answer any technical questions.

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Date: June 3, 2022

ATTACHMENT A

BEST PRACTICES FOR CANVASS AND RECOUNT PROCEDURES

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*As with every aspect of election administration, it is essential to develop clear and well documented procedures and best practices that help guarantee the ultimate goal of election integrity. These **best practices** have been compiled to assist county boards of elections with preparing for and conducting a statewide recount. Transparency and accuracy are key to establishing public trust and confidence. The strategies outlined throughout this document will assist election officials with the ability to conduct a recount and reconcile the results in a well-organized manner. Moreover, county board staff and county board members should work with their county solicitor and voting systems vendors to develop customized procedures that take in to account the unique needs of their county. Uniformity of processes across the Commonwealth and within the various teams of your office will ensure a successful recount.*

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INITIAL COMPUTATION OF ELECTION RESULTS (FIRST-SIGNING)

- Ensure that all absentee (including UOCAVA), mail-in, election day and provisional ballots have been tabulated.
- Ensure that all tabulated results have been added to, and properly adjudicated in, your voting system’s election management system (EMS) and are in the correct reporting group:
 - In-person ballots have been added to the **Election Day** reporting group
 - Absentee and mail-in ballots have been added to the **Mail** reporting group
 - Provisional ballots have been added to the **Provisional** reporting group
- Ensure that ballots are stored in batches according to how they were tabulated originally (by voting method) and there is a corresponding printout of results from the tabulation. Create a ballot storage inventory log of all batches – this will be your “ballot manifest.”

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This is an essential practice in all elections. Maintaining a proper accounting of the total number of ballots cast (number of ballots scanned) in a batch, along with the batch's tabulated results will aid in reconciliation, auditing, and recount procedures.

4. Ensure that all absentee and mail-in ballots that have been **approved** for counting have been processed accordingly and entered in to SURE.
5. Ensure that all absentee and mail-in ballots that were not approved for counting have been **cancelled** in SURE.
6. For each of your precincts, reconcile the number of ballots cast (as indicated in your voting system EMS reports) to the number of voters participating using each voting method, as indicated by the following:
 - Numbered list of voters or on ballot control sheet should match the total number of election day ballots cast
 - Total absentee and mail-in ballots returned as approved should match the total number of mail ballots cast
 - Total provisional ballots approved for counting should match the total number of provisional ballots cast
7. For each precinct, research and document any known discrepancies between the total number of ballots cast and the number of voters shown as participating using each voting method.
8. Ensure that you conduct the statutory audit of at least 2% of the total ballots cast or 2000 ballots, whichever is less prior to signing the initial computation.
9. Print the following election results reports from your EMS:
 - Summary county-level totals with ballots cast by reporting group statistics
 - Precinct-level totals with ballots cast by reporting group statistics
10. Generate the following election results export file from your EMS:
 - Summary county-level totals with ballots cast by reporting group statistics
 - Precinct-level totals with ballots cast by reporting group statistics
11. Drop the results file into SURE Portal for display of the final results on the Department of State's ENR reporting page.
12. Ensure the following display of your initially certified results are in sync (they match):
 - Your county election results webpage
 - Your county's election results on DOS' ENR page
 - The summary county-level report generated from your EMS file
13. Prepare the ***Certification of Computation of Election Results*** and have it signed by a quorum of the board. Enter the results into SURE Portal for all contests, but do not hit the certify button.
14. Submit the following to the Department of State via email to ra-elections@pa.gov by **5 p.m. on Tuesday, May 24**.
 - ***Certification of Computation of Election Results***
 - Summary county-level totals with ballots cast by reporting group statistics
 - Precinct-level totals with ballots cast by reporting group statistics

CERTIFICATION OF ELECTION RESULTS

1. If after five calendar days of the first signing, there is no petition for a recount filed at the county-level, the board may sign the ***Final Certification*** on the ***Computation of Election Returns*** for all other offices except the office(s) involved in the statewide recount.

You may sign the final certification for all other state-level offices even if there is a pending statewide recount.

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2. Complete a final check to ensure the following displays of your initially certified results are in sync and match:
 - Your county election results webpage
 - Your county's election results on DOS' ENR page
 - The summary county-level report generated from your EMS file
3. Submit the following to the Department of State via email to ra-elections@pa.gov:
 - ***Certification of Computation of Election Results*** (with final signatures)
 - Summary county-level totals with ballots cast by reporting group statistics
 - Precinct-level totals with ballots cast by reporting group statistics
4. Remember, irrespective of a statewide recount, **Monday, June 6** is the last day for the county boards of elections to file with the Secretary of the Commonwealth the final certified returns from the election for all offices except the office(s) involved in the statewide recount. To meet this certification deadline and allow for a five-day window for recount petitions, the county board of elections must complete the computation of votes no later than **Tuesday, May 31**.

The recount for the office(s) involved in the statewide recount must be completed by **12 noon on Tuesday, June 7** and the results submitted to the Secretary no later than **12 noon on Wednesday, June 8**.

Due to the statewide recount, you may need to bifurcate your final certification (certify everything except the office(s) involved in the statewide recount). Upon completion of the recount, you can then submit a second version of the *Certification of Computation of Election Results* for the office(s) involved in the statewide recount along with the corresponding county summary and precinct reports for only that contest.

STATEWIDE RECOUNT PROCEDURES

Important: Counties must complete their initial computation of election results before beginning the recount.

PUBLIC NOTICE

The recount shall begin statewide on the date ordered by the Secretary of the Commonwealth, which shall be no later than **Wednesday, June 1**, but the board members must determine and provide public notice of the time, method, and place of the recount. Include the starting and ending times of each recount day. The county should provide public notice of the place(s) and time(s) of the recount proceedings at least 48 hours before the recount begins. This notice must be provided to all of the following:

- Each candidate for the office(s) involved in the statewide recount
- The county chairs of each political party or body affected by the recount
- The custodian of your voting machines

Each candidate may be present in person, or by attorney, and each political party may send up to two representatives to be present at the recount.

We also strongly recommend that you provide a copy of the notice to the department and post a copy of the notice on your website. **The board should consult with its solicitor on these notice provisions and language used in the notice.**

BALLOT AND EQUIPMENT PREPARATORY ACTIVITIES

Comparable to the need to test voting equipment prior to all elections, since counties must use voting equipment of a different type to conduct a recount, it may be necessary to perform logic & accuracy testing prior to the recount. Further

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counties may want to pre-arrange the voted ballots or take other administrative steps. When engaging in these activities, counties should ensure proper security, chain of custody and notice procedures are followed.

1. Run a report in your EMS that provides the total number of ballots cast by precinct and by reporting group. If there are any ballots organized by scanned batches, run the report that provides total ballots cast/scanned by batch.
2. If you are planning to use scanners for the recount, work with your voting system vendor to create a copy of the election database in your EMS using the same election definition for the 2022 general primary. This copy should remain untouched and should be retained as a record of the *pre-recount* results. The file should be named in a way that it clearly identifies that this database are the election results from the initial tabulation of all ballots.

This backup election database will be referred to as your **Initial Computation Database**.

3. Create another copy/instance/task of the election database in your EMS using the same election definition for the 2022 general primary to tabulate the recount results. This copy must be saved with a name that is clearly different from the Initial Computation Database and identifying it as the working copy for purposes of the recount.

This election database will be referred to as your **Recount Tabulation Database**

Depending on your voting system capabilities, the Recount Tabulation Database instance can be configured to tabulate only the race being recounted.

The recount tabulation must be able to be broken down by reporting groups: election day, absentee/mail-in and provisional.

4. The original election database for the 2022 general primary will be referred to as your **Master Election Database**. Following the recount, the master election database must be updated to reflect the final tabulation of all election contests, including the recounted contest. If your voting system doesn't allow the update of the recount results to the **Master Election Database** you must ensure that the results can be reported to Department by precinct and by reporting group (election day, absentee/mail and provisional).
5. Create the appropriate media stick, memory card, cartridge, or other data storage medium for doing the recount tabulation. Any media used for the recount must be formatted and returned before tabulating ballots. Be sure to label the media device.
6. Prepare machines for retabulating all ballots using voting equipment of a different type or recount the ballots by hand. A different type of voting equipment means that:
 - ballots that were initially counted using a precinct scanner may be *recounted* using a central count scanner or counted by hand.
 - ballots that were initially counted using a central county scanner may be *recounted* using a central count scanner of a different model, or a precinct scanner or counted by hand.
 - ballots that were initially counted by hand may be *recounted* using a precinct or central count scanner.

To allow you to compare the initial tabulation with the recount tabulation, recount ballots according to how they were initially scanned/batched or grouped.

7. Logic & Accuracy testing (if applicable):

Prior to the actual recounting, the county board of elections should test all voting equipment to ensure it is programmed correctly for the recount using a pre-audited group of ballots marked to record a predetermined number of valid votes for each candidate or contest choice (test deck).
8. If feasible, organize multi-partisan canvassing teams to assist with organizing the secure ballot bins and preparing the ballots for scanning. The teams should confirm that the ballot container has not been tampered

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with and verify that the seal numbers match the seals from the election day return sheet and/or when the bag was last sealed. This information should be documented to maintain chain of custody records.

9. It is recommended that ballots remain sealed until the commencement of the recount, however, under strict security and chain of custody protocols, county staff may organize and pre-stage the voted ballots for purposes of ensuring efficient operations before the recount begins. If the ballots have been organized in batches and there is a corresponding “ballot manifest” of all batches, then the organization and pre-staging efforts should be straight-forward.
10. If a county believes it will be necessary or beneficial to sort or organize the physical voted ballots into set quantities (e.g., stacks of 10, 50, or 100, etc.), these activities should be part of a properly noticed and transparent process. Further, in addition to following proper security and chain of custody protocols, always ensure that a multi-partisan team of individuals is involved in conducting these administrative procedures. After the ballots are organized, ensure that the number of paper ballots matches the number of ballots as reported in the EMS. Be sure to place the ballots back into a properly marked and secured ballot box or container.

Note: When organizing ballots, the segregation of election day, absentee/mail and provisional ballots must be maintained. This is required to ensure that results can be reported by election day, absentee/mail and provisional.

These organized ballots are now ready for the recount.

11. Consistent with 25 P.S. § 3154(c), account for and reconcile all balloting materials, including the following:
 - Any extra ballots printed at the polling place, if any
 - The number of election day ballots issued
 - The number of provisional ballots issued
 - The number of spoiled ballots
 - The number of unvoted/blank ballots
 - Emergency Ballots if applicable
 - The number of ballots cast (voted)
 - The number of mail-in and absentee ballots.
12. Confirm that the chain of custody of the election material is intact and a clear audit trail is maintained throughout the process. Clearly document the handling of batches and the confirmation that all ballots are accounted for in their container before a team moves on to a new batch

RECOUNT MATERIALS AND RESOURCES

Certain resources and materials should be available during the recount.

1. Canvassing or counting teams
 - If possible, teams should be multipartisan
 - Prepare for extra persons to assist in case of emergencies
 - Assign teams and roles in advance, for example
 - Ballot manager
 - 2-person teams of tabulator attendants
 - 3 or 4-person teams of hand-counters
 - Prepare a schedule for the counting teams and allow ample time for breaks and meals
2. Logistics
 - Room or facility with adequate space to conduct the recount
 - Area for board members
 - Area for voting equipment
 - Areas for hand-counting

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- Area for ballot duplication
- Area for observers
- Arrange each area prior to the start of the recount
- Ensure the space has adequate electrical outlets consistent with the voting equipment that will be used
- Ensure the space has adequate ventilation and proper temperature and humidity levels for scanning paper ballots
- Ensure the space has tables and chairs available for the counting teams
- Post clear signage in each space to identify recount activities and stations, as well as those who are authorized to be in each area.
- Post clear signage for observers regarding rules and behavior (e.g., no photo/video of ballots; do not disturb election staff, etc.)

3. Ballots

- Election Day Ballots (grouped by their precinct batches)
- Absentee and Mail-in Ballots (grouped by their batches)
- Provisional Ballots (grouped by their batches)
- Spoiled Ballots
- Unused Ballots – to be used for ballot duplication, if ballots are damaged and cannot be tabulated

Use a copy of the “ballot manifest” as a checklist to help ensure all ballot batches are accounted for.

4. Polling Place Materials returned to the county

- Ballot Boxes
- Poll Books and Numbered Lists of Voters
- Tally Sheets and Statements of Ballots Used
- Printouts of Unofficial Returns (“Totals Tapes”)
- Supplemental tabulations, such as tally sheets of write-in votes prepared at the polling place.

5. Forms and Documents

- Develop county-specific recount procedures, to distribute to the counting teams and any observers
 - DOS has provided examples of administrative forms that could be used throughout this process; however, county boards may use their own templates to document auditing and reconciliation practices at every step.
- An attendee sign-in/sign-out sheet to have a record of recount attendees
- A sign-in/sign-out sheets for counting team members
- A **Recount Audit Sheet** or some other means to capture important information about each precinct or batch that will need to be recounted:
 - Precinct name or code/Batch name
 - Number of ballots cast or in batch
 - Voter history count (if applicable)
 - Number of ballots cast following the recount of the precinct or batch
 - Machine serial number
 - Space to record counting team members names
 - Starting date/time and ending date/time of recount of each precinct/batch
- Hand-count Tally Sheets for the hand count, if applicable.
- Write-in Tally Sheets if applicable
- Certificates and oaths for counting team members.
- A copy of *Standards for What Constitutes a Vote*:
<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol33/33-31/1538.html>

Note: Refer to Appendix for examples of tally sheets.

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6. Tabulating Equipment, if applicable.
 - Properly tested precinct scanners
 - Properly tested central count scanners
 - Labeled media devices
 - Extra paper rolls
7. Other Helpful Materials
 - Extension cords, power strips
 - Name badges for board staff, board members, counting teams and observers
 - Air-spray (to remove residue from ballots)
 - Rubber fingers
 - Food and drinks (to be kept away from ballots and voting equipment)
 - Boxes and seals to resecure recounted ballots
 - Red pens and sticky notes
 - Rubber bands or paper clips
 - Colored sheets of paper
 - Clocks if wall clocks are unavailable

GENERAL PROTOCOLS

1. Keep a log of attendees
2. Have counting team members take the oath at the opening of the recount proceedings to perform their duties impartially and not read, write, count or certify any return falsely or fraudulently.
3. Before starting the recount, a representative from the board of elections should explain to attendees the recount process.
4. Prior to unsealing each precinct or batch for purposes of rescanning, announce the precinct or batch to the observers and provide batch information (e.g., number of ballots cast, vote totals, number of voters on numbered list, etc.)
5. During the recount, maintain all ballots in the batches in which they were assembled and scanned, taking care that:
 - Every ballot is recounted with its original batch and is placed with its batch after retabulation.
 - Batch tracking sheets (tied to ballot manifests) from the initial computation remain with their batches.
 - An alternate ballot manifest for the recount is kept, recording the container name, batch ID and the quantity of ballots recounted. Use the same batch naming and control procedures that were used during the election.
 - Be sure to have at least two separate areas to temporarily and securely store ballots so you can keep recounted batches separate from those that have not been recounted. If recounting must stop mid-batch for any reason, clearly note the stopping point so that you can pick up where you left off as soon as possible and secure the materials if you are leaving the counting area.
 - Ballot boxes or containers with each batch move in a consistent direction through the room. For example, if the main cache of uncounted batches is at the south end of the recount room, then supply the counting tables by moving a batch or set of batches to the south end of each table. Once the batch is recounted, it should be placed at the north end of the counting table, to be moved to the secure area for recounted ballots at the north end of the room.

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PROTOCOL FOR CONDUCTING THE RECOUNT BY ELECTRONIC VOTING SYSTEM

1. Run a zero report on the prepared scanners and note public and protected count and get agreement from the canvassing board. Once the tape prints, the counting team should inspect the results tape and confirm that there are no results on the tape. This information should be recorded on the Recount Audit Sheet for the precinct.
2. If using a precinct scanner, open the ballot box and inspect all compartments to ensure the bin is empty. Record on the **Recount Audit Sheet**.
3. When rescanning ballots, ensure that the ballots are scanned into appropriate reporting groups. For example, scan election day ballots to election day reporting group, absentee and mail ballots to the mail reporting group and provisional ballots into the provisional ballot reporting group.
4. Ensure all ballots with overvotes, undervotes or marginal marks are electronically or physically segregated for manual adjudication. When conducting the recount, all ballots containing overvotes, undervotes or marginal marks must be counted manually. Jurisdictions can use the voting system adjudicator functionality to evaluate voter intent following certification conditions and “*Standards for What Constitutes a Vote*” document. Any decisions made during review of the ballot must be agreed upon by a team of at least two reviewers authorized by the election official.
5. If a ballot cannot be tabulated, the ballot should be fed into the emergency bin or placed into a damaged ballot box. Before the ballot is placed into the emergency bin or damaged ballot box, the ballot attendant should announce “Damaged Ballot.” Any ballot that is damaged or cannot be scanned, may be duplicated following the statutory procedures outlined in 25 P.S. § 3031.14(b)(3), or it may be hand-counted and adjustments to the tally may be made to the EMS as explained later in these procedures.
6. After all ballots from a precinct or batch have been scanned, ensure the proper steps are taken to handle any damaged ballots; adjudicate any undervotes, overvotes or marginal marks according to the *What Constitutes A Vote* standard; and adjudicate any write-ins.

Note: For the purposes of the recount counties can decide to associate a name to a write-in only if there are substantial number of write-in votes for a candidate. All other write-ins can go to a consolidated/ “Scattered” write-in bucket, provided they can reconcile the total ballots cast to the total votes counted.

7. After all ballots in the precinct or batch have been adjudicated, ensure that the public count on scanners being used show the correct number of ballots scanned after each batch is scanned.
8. Update the **Recount Audit Sheet** (or create a report) to record the number of ballots scanned shown on the counter and to check off that scanning for the precinct or batch is complete.

If applicable, “close the polls” and print the results tape. The counting team should sign the results tape. An appropriate county staff member should remove the media from the tabulator. The results tape, media and rescanned ballots should then be secured for storage and marked clearly for storage. The sealed box or container containing the rescanned ballots should be marked to show the date/time the ballots were recounted.

Compare the total number of ballots scanned to the total number of voters who voted on election day as represented on the documentation from the reconciliation of the numbered list of voters, poll books, spoiled ballots, etc., or by some other method. In essence, the number of ballots for each precinct should equal the number of voters who voted in the precinct on election day. If the return Board identifies any discrepancies that were not identified during the initial reconciliation, the Board should investigate the discrepancies or irregularities in those records.

9. Similarly, after all absentee and mail-in ballots are rescanned, compare the total number of ballots cast to the total number of absentee and mail-in ballots that were approved for counting as evidenced in the SURE system. The return Board must investigate any discrepancies or irregularities among those records. See 25 P.S. § 3154(b).

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10. After all provisional ballots are rescanned, compare the total number of ballots cast to the total number of provisional voting applications approved for counting. The Board must investigate any discrepancies or irregularities among those records. See 25 P.S. § 3154(b).

Note: Counties can refer to the attached document if they need clarifications on the SURE Reports to be used for reconciliation.

PROTOCOL FOR CONDUCTING THE RECOUNT BY HAND

If you are planning to do a hand recount of ballots, the county’s plan must ensure the following:

1. Ensure that all members of the counting teams take the oath of office prior to beginning the recount.
2. Ensure that only the members of the county board, the authorized board staff, and duly sworn counting team members handle the ballots during the recount.
3. Ensure that vote counts for the recount can ultimately be reported in your EMS by precinct and by reporting group (election day, mail, and provisional).

For example, the board of elections staff may want to organize batches of ballots by precinct within each reporting group (Precinct 1 – election day; Precinct 1 – absentee and mail-in; Precinct 1 – provisional; Precinct 2 – election day; Precinct 2 – absentee and mail-in; Precinct 2 – provisional; and so on).

4. Provide a mechanism to keep an accurate tally of the votes counted during the recount (tally sheets).
5. As ballots are being reviewed, if a question of voter intent arises, remove the ballot from the batch and place it in a separate container or stack. At the end of hand-counting the ballots for that precinct or batch, return to review these ballots and adjudicate the count for the contest according to the standards in “*What Constitutes A Vote.*”
6. Include a process to ensure that batches of ballots counted by the counting teams are counted only once and are not inadvertently intermingled with batches of uncounted ballots. Clearly mark a space for counted and uncounted ballots in each team counting area/table.
7. When recounting a contest by hand, count all ballot choices, write-in selections, overvotes and undervotes. Do not only count the candidates whose vote totals are within the recount margin. Further, you should account for all allowable votes for the contest.

- If the contest is a “Vote for 1” then you may only mark 1 tally on the Hand-count tally sheet

Example in Vote for 1 Contest

Ballot	Hand-count Tally Sheet
Voter selected only 1 contest choice	<ul style="list-style-type: none"> • Place 1 tally mark in the column for the selected choice • Place 1 tally mark in the undervote column
Voter did not select any contest choices	<ul style="list-style-type: none"> • Place 1 tally mark in the undervote column

*A **contest choice** is a vote for a listed candidate or a “write-in.”

8. Compare the total number of ballots counted to the original number of ballots cast by type (election day, mail and provisional). Note any differences.

BEST PRACTICES FOR CANVASS AND RECOUNT PROCEDURES

TLP: WHITE

9. Total the tallies for each candidate choice, total write-ins, overvote and undervote for the precinct or batch. Compare the hand-counted results to the results from the initial computation and document on a **Recount Results Worksheet**.
10. Replace all the voted ballots in the security containers in which they were stored and reseal the container. The container shall be labeled with the precinct name and the counting team members should sign the seal.

RECORDING AND REPORTING THE RESULTS OF THE RECOUNT

1. If conducting the recount using voting equipment of a different type, once ballots have been rescanned, read the results of the recounted ballots into the **Recount Tabulation Database** in your EMS.
2. Generate the following reports from the **Recount Tabulation Database showing vote totals for only the race being recounted**:
 - Summary county-level totals with ballots cast by reporting group statistics
 - Precinct-level totals with ballots cast by reporting group statistics
3. Update the **Master Election Database**:

Using the precinct-level tabulation report generated from the **Recount Tabulation Database** or if the recount was conducted by hand-counting, record any adjustment to the precinct totals for the recounted contest in the **Master Election Database**. Adjustments must be recorded in the correct reporting group. Pay careful attention that you are only making adjustments to the recount contest. Adjustments may be made to contest choices, undervotes, overvotes and write-in votes.

Remember, you should not make any updates to the backup database - the **Initial Computation Database**.
4. Once the **Master Election Database** is updated, generate a new results file for updating State's election reporting website and drop the file in SURE Portal after coordinating with DOS.
5. Generate the extract used to report precinct level totals in SURE Portal and work with SURE Helpdesk to have the precinct results updated.
6. Alternative to updating the **Master Election Database**, counties may enter summary contest totals for the recounted contest in SURE Portal. When using this method, counties will need to manually adjust the precinct-level totals in SURE Portal when finalizing precinct results for the election.

Ultimately, counties will need to report and certify precinct vote totals.
7. Print the following election results reports from your EMS:
 - Summary county-level totals with ballots cast by reporting group statistics
 - Precinct-level totals with ballots cast by reporting group statistics
8. Regardless if the ballots were counted by hand or using voting equipment, pay careful attention to compare the total number of ballots scanned on the recount results report by precinct to the original number of ballots cast that precinct for each voting method (election day, mail and provisional). Document and explain any variances.
9. Generate the following election results export file from your EMS:
 - The export file that your county uses to upload results to DOS SURE portal for election night reporting
 - The export file that you use to upload precinct results to the SURE portal system (Only ES&S counties use 2 separate extracts for this purpose.)
10. Record the results of the recount on the **Recount Tabulation Form**. The tallies on the form must match:
 - Summary county-level totals with ballots cast by reporting group statistics
 - Precinct-level totals with ballots cast by reporting group statistics

Note: The recount must be completed by 12:00 Noon on June 7, 2022.

BEST PRACTICES FOR CANVASS AND RECOUNT PROCEDURES

TLP: WHITE

11. Send the signed **Recount Tabulation Form** to the Department of State and EMS reports (precinct and summary) from your Recount Tabulation Database showing only vote totals for the results being recounted. Enter the results of the recounted contest in SURE Portal and click the certify button since now all the results are entered and completed.
12. No results should be released by a county until the county has completed its recount.
13. As required by section 1404(g)(6) of the Election Code (25 P.S. § 3154(g)(6)), the county boards of elections must submit the results of the recount and recanvass to the Secretary of the Commonwealth on the **Recount Tabulation Form (DSBE RE-CBE 1121)** no later than **12:00 Noon on June 8, 2022.**

Note: The Department of State will not release the results of the recount for all counties until after all counties have submitted results, as such results will not be released any earlier than 12:00 noon on June 8, 2022.

14. No later than **June 16, 2022** ensure that the precinct level results for all contests including the recounted race is in SURE Portal and your election certified in SURE Portal.

BEST PRACTICES FOR CANVASS AND RECOUNT PROCEDURES

TLP: WHITE

Appendix

- a) Example of hand count tally sheet



Recount
Hand-County Tally S

- b) Example of Recount Audit Sheet



Recount Audit
Sheet 052022.pdf

- c) Recount Results Worksheet



RECOUNT RESULTS
WORKSHEET.docx.p

- d) Recount Tabulation form DSBE RE-CBE 0522



Recount Tabulation
form DSBE RE-CBE 0:

- e) Documentation for SURE Reports that assist in reconciliation



Absentee, Mail-In,
Provisional & Vote t

Recount Hand-county Tally Sheet

County : _____
 Precinct : _____
 Page _____ of _____

Total Ballots: _____
 Vote For X 1
 Total Votes Allowable: _____

- If voter selected 1 contest choice place 1 tally mark in the column for that contest choice. A contest choice is a vote for a listed candidate or a "write-in".
- If voter did not select any contest choices, place 1 tally mark in the undervote column.
- If voter selected more than 1 contest choice, place 1 tally mark in the overvote column.

	BARNETTE	OZ	BOCHETTO	BARTOS	MCCORMICK	GALE	SANDS	WRITE IN	UNDERVOTE	OVERVOTE	TOTAL
5											
10											
15											
20											
25											
30											
35											
40											
45											
50											
55											
60											
65											
70											
75											
80											
85											
90											
95											
100											
105											
110											
115											
120											
125											
130											
135											
140											
145											
150											
TotalVotes (this page)											Total Votes Check
FinalTotal (last page)											

Recount Audit Sheet

Election: 2022 General Primary (5/17/2022)

Contest: United States Senator Vote for: 1

Vote Type: Election Day Mail/Absentee Provisional

Precinct or Batch #

Machine Serial #

Recount Method Precinct scanner Central scanner Hand-count

Recount Start _____ Date/Time Recount End _____ Date/Time

Voter History Count	
Ballots Cast Count (initial computation)	
Ballots Cast Count (recount)	
Bast Cast Difference	

Notes

Counting Team Members

RECOUNT RESULTS WORKSHEET

_____ County

Office Subject to Recount: _____

Candidate Name: _____

Recount Start Date: ___/___/___ Recount End Date: ___/___/___

Precinct Recounted Results

	Precinct Name	Election Day	Absentee/Mail	Provisional	Total Votes
1					
2					
3					
4					
5					

**RECOUNT TABULATION FORM
MAY 17, 2022 GENERAL PRIMARY
PART I**

COUNTY OF _____

UNITED STATES SENATOR:

VOTES

Note: The Total Votes reported must be the sum of the break downs, Election Day, Absentee/Mail and Provisional.

Candidate	Total Votes	Election Day Votes	Absentee/Mail Votes	Provisional Votes
BARNETTE, KATHY (REP)				
OZ, MEHMET (REP)				
BOCHETTO, GEORGE (REP)				
BARTOS, JEFF (REP)				
MCCORMICK, DAVE (REP)				
GALE, SEAN (REP)				
SANDS, CARLA (REP)				

**RECOUNT TABULATION FORM
MAY 17, 2022 GENERAL PRIMARY
PART III**

WE HEREBY CERTIFY THAT THE PRECEDING 2 PAGES ARE THE RESULTS OF THE RECOUNT OF THE VOTES CAST AT THE GENERAL PRIMARY HELD MAY 17, 2022. SUCH RECOUNT HAVING BEEN CONDUCTED IN ACCORDANCE WITH THE ORDER OF THE SECRETARY OF THE COMMONWEALTH.

SEAL

ATTEST: County Board of Elections

CLERK

The following Absentee/Mail-In type reports are available in SURE for use.

- PA Absentee/Mail-In Ballot Listing (statutory report)
- PA Military, Veteran and Emergency Civ. Absentee Voters (statutory report)
- Pre-canvassing/Canvassing Report (export only, not a statutory report)

Steps to access reports:

Log into SURE VR

Go to the Reports tab and select Report Menu button

Select the 'Report Type' of Absentee/Mail-In

Select the desired report from the list

Choose the Election Name from the drop-down under the Election Options tab

The following Provisional Ballot Reports available in the SURE Portal.

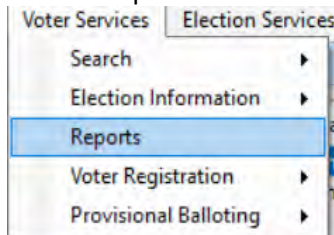
- Provisional Ballot Certified Results
- Provisional Ballot Count by Status

Steps to access reports:

Log into the SURE Portal

Go to Voter Services menu item

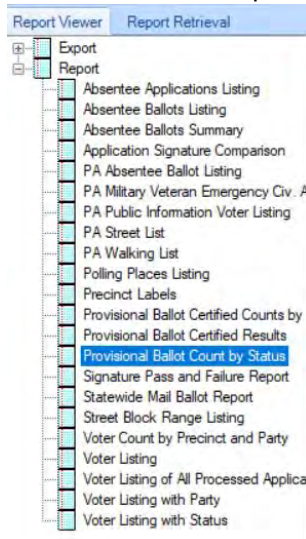
Choose Reports



The Report Viewer will display.

Expand the Report section


Select the desired report



Sample Reports
PB Certified Results

Provisional Ballot Certified Results					
		11/15/2021 7:39:23 AM			
2021 Municipal Primary					
Counties with Certified Provisional Ballots	Counted	Partially Counted	Rejected	Unprocessed at this time	Total Certified by County
ADAMS	28	2	1		31

Provisional Ballot Count by Status

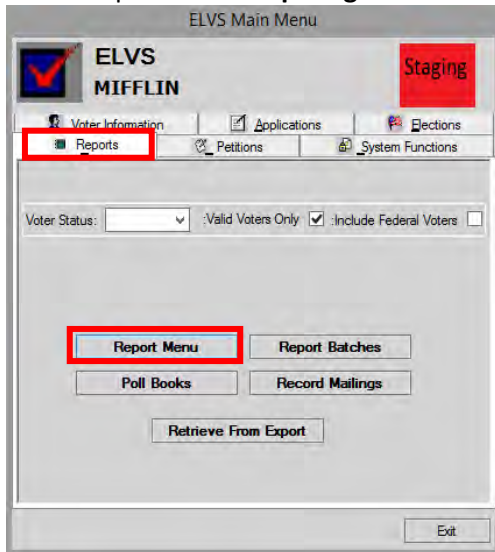
Provisional Ballot Count by Status		
		11/15/2021 7:40:56 AM
County: ADAMS		
Election: 2021 Municipal Primary		
Status Description	Total	Percent
Counted	28	90.3%
Partially Counted	2	6.5%
Rejected	1	3.2%
Total:	31	

Participating Voters Listing for Election Report

SURE VR > Reports tab > Report Menu > Select **Elections** for Report Type Drop-down

Select the **Election** from the Election drop-down.

Select Report of **Participating Voters Listing for Election**.



Reports Menu

Select Report Type: **Elections**

Reports Options

Select Report

- Candidate Listing by Candidate No.
- Candidate Listing by Contest
- Candidate Listing by Contest and Election Listing
- PA - Super Voter Listing For Selected
- PA - Supplemental Poll Book
- Participating Voters Listing for Election
- Participating Voters Listing for General
- Vote Count by Party for Election
- Vote Count by Precinct and Party for
- Vote Count by Selected District for
- Vote Count by detailed EP

Elections Options

Election: [Redacted]

Select Votes By:

Ballot: [Redacted] Precinct: [Redacted]

Method: [Redacted] Party: [Redacted]

Location: [Redacted] Reason: [Redacted]

Report Name: Participating Voters Listing for Election
 Report Description: (Custom State Report)
 (00000-ELE-005-C) Participating Voters

Use Options(On Options tab)

Buttons: Preview, Print, Save, Export, Submit, Delete, Cancel, Schedule, Close

Elections Options

Export Options

Election

- 2024 GENERAL ELECTION (11/05/2024)
- 2024 GENERAL PRIMARY (04/23/2024)
- 2023 MUNICIPAL ELECTION (11/07/2023)
- 2023 MUNICIPAL PRIMARY (05/16/2023)
- 2022 GENERAL ELECTION (11/08/2022)
- 2022 GENERAL PRIMARY (05/17/2022)
- 2021 MUNICIPAL ELECTION (11/02/2021)**
- 2021 MUNICIPAL PRIMARY (05/18/2021)
- 2020 GENERAL ELECTION (11/03/2020)
- 2020 GENERAL PRIMARY (07/06/2020)
- fed election1 (11/15/2019)
- 2019 MUNICIPAL ELECTION (11/05/2019)
- 2019 PRIMARY ELECTION (05/21/2019)
- 2018 GENERAL ELECTION (11/06/2018)
- 2018 GENERAL PRIMARY (05/15/2018)
- 2017 MUNICIPAL ELECTION (11/07/2017)
- 2017 MUNICIPAL PRIMARY (05/16/2017)
- 2016 GENERAL ELECTION (11/08/2016)
- 2016 GENERAL PRIMARY (04/26/2016)
- 2015 MUNICIPAL ELECTION (11/03/2015)
- 2015 MUNICIPAL PRIMARY (05/19/2015)
- 2014 GENERAL ELECTION (11/04/2014)
- 2014 GENERAL PRIMARY (05/20/2014)
- 2013 MUNICIPAL ELECTION (11/05/2013)

Select Votes By:

Ballot: [Redacted]

Method: [Redacted]

Location: [Redacted]

ting for Election
 (Custom State Report)

ATTACHMENT B

STATEWIDE RETURN AND RECOUNT DIRECTIVE AND PROCEDURES

The Department of State issued this directive and adopted these procedures to implement the amendments made to the Pennsylvania Election Code by Act 97 of 2004 relating to reporting of unofficial election returns to the Department of State, the requirement that the Secretary of the Commonwealth determine whether a recount of returns for statewide public office or ballot question are required, and to ensure consistency with amendments to the Election Code made by Acts 77 and 94 of 2019, and 12 of 2020. This Directive supersedes the election return and recount provisions contained in the Directive dated June 9, 2011, entitled *Directive Concerning the Use, Implementation and Operation of Electronic Voting Systems by the County Boards of Elections*. The guidance concerning pre-canvassing and canvassing of ballots in this Directive refers only to the pre-canvassing and canvassing of ballots received by 8:00 P.M. on Election Day. Guidance entitled *Canvassing Segregated Mail-in and Civilian Absentee Ballots Received by Mail after 8:00 P.M. on Tuesday, November 3, 2020 and Before 5:00 P.M. on Friday, November 6, 2020*, issued separately by the Department of State on November 1, 2020, provides procedures counties should follow to canvass ballots received after 8:00 P.M. on Election Day, November 3, 2020.

TRANSMITTAL OF RETURNS ON ELECTION NIGHT

By **2:00 A.M. on the day following the election**, Sections 1113-A, 1225 and 1228 of the Election Code require the judge of elections to return to the county board of elections the following materials:

1. Envelopes;
2. Supplies, including all uncast provisional ballots; and
3. Returns, including all provisional ballots cast in the election district.

25 P.S. §§ 3031.13, 3065 and 3068.

By **3:00 A.M. on the day following the election**, each county board of elections must submit to the Department of State pursuant to Section 1402 of the Election Code returns received from the district boards of elections for each office for which a candidate must file a nomination petition with the Secretary of the Commonwealth. 25 P.S. § 3152. These returns must be submitted as prescribed by the Secretary of the Commonwealth utilizing the Department of State's election night reporting system or such other method authorized by the Department.

COMPUTATION AND REPORTING OF UNOFFICIAL GENERAL RETURNS

As provided for by Section 1308 of the Election Code, the county board of elections shall meet no earlier than 7:00 A.M. on Election *Day* to **pre-canvass** all absentee and mail-in ballots received prior to this meeting. 25 P.S. § 3146.8(g)(1.1). The county board of elections shall meet no earlier than the close of polls on the day of the election and no later than the third day following the election to begin the **canvass** of absentee and mail-in ballots not included in the pre-canvass

meeting. 25 P.S. § 3146.8(g)(2). The canvass of mail-in and absentee ballots shall continue until completed.

No later than 9:00 A.M. on the third day following the primary or election, each county board of elections must publicly commence the computation and canvassing of the returns from the various election districts as required by Sections 1403 and 1404 of the Election Code and continue the same until completed. 25 P.S. §§ 3153-3154. Upon the completion of the computation and canvassing (including any recount conducted under Section 1404(e) of the Election Code, 25 P.S. § 3154(e)), the board of elections must tabulate the figures for the entire county and sign, announce and attest the returns as provided by Section 1404(f) of the Election Code (25 P.S. § 3154(f)). The computed and tabulated returns that are announced, signed by the board of elections, and attested to by the clerks who made and computed the entries reflecting the returns under Section 1404(f) of the Election Code (25 P.S. § 3154(f)) must be considered unofficial for five (5) days thereafter. *Id.*

No later than 5:00 P.M. on the Tuesday following the day of the election, the county board of elections must submit to the Secretary of the Commonwealth the unofficial returns of the county for all statewide public offices and ballot questions that appeared on the ballot in every election district in the Commonwealth. The county board of elections shall submit to the Secretary of the Commonwealth the unofficial returns for such offices and ballot questions that the county board of elections announced and signed as required by Section 1404(f) of the Election Code. 25 P.S. § 3154(f).

In the event that the county board of elections has not yet completed, announced and signed the unofficial returns as provided by Section 1404(f) of the Election Code (25 P.S. § 3154(f)), the county board of elections shall submit, no later than 5:00 P.M. on the Tuesday following Election Day, those election returns that have been computed and tabulated by that date and time. With the submission of partial returns, the county board of elections shall inform the Secretary of the Commonwealth that the unofficial returns are not yet complete and shall provide to the Secretary the number of potentially valid ballots that the county board of elections estimates have not been included in the reported partial computation of returns.

These unofficial returns must be submitted to the Secretary of the Commonwealth by e-mail on form DSBE UR-CBE (Unofficial Returns Reporting Form) **by 5:00 P.M. on or before the Tuesday following the election** to resource account RA-elections@pa.gov. In addition to the reporting form, the county board of elections must submit a printed report from the election management system showing the results for each county-wide contest for all the ballots counted.

The report to the Secretary made as required by Section 1404(f) of the Election Code (25 P.S. § 3154(f)) on Form DSBE UR-CBE shall include an accurate accounting of all uncounted provisional ballots, uncounted absentee ballots, uncounted mail-in ballots, uncounted alternative ballots, and any other types of uncounted ballots (including any ballots from military and overseas civilian voters that have not yet been canvassed) for which a final resolution regarding the validity of the ballots has not yet been made.

In the event that the statutory deadline to receive and count absentee and mail-in ballots from certain electors has been extended by order of court or by legislation enacted by the General Assembly to a date that occurs after the date on which the county board of elections is required to submit unofficial returns to the Secretary of the Commonwealth, the county board of elections

must also attach to form DSBE UR-CBE a statement describing the total number of absentee and mail-in ballots that were delivered to absentee electors affected by the court order and that have not yet been received by the county board of elections. *(For example, if the deadline to receive absentee ballots from military electors and overseas citizens were extended to a date after the date that the board of elections is required to make its submission of unofficial returns to the Secretary of the Commonwealth, the county board of elections must calculate the total number of absentee ballots that might be received from those absentee electors affected by the court-ordered extension.)*

The submission of unofficial returns made to the Secretary of the Commonwealth as required by Section 1404(f) of the Election Code (25 P.S. § 3154(f)), and recorded on form DSBE UR-CBE, must be signed by the members of the county board of elections.

Based on assessment of the unofficial returns submitted to the Secretary of the Commonwealth by the county boards of elections, the Secretary may request a supplemental report regarding additional returns that have been computed and tabulated by the county boards of elections after the Tuesday following Election Day and before 5:00 P.M. on the second Thursday following Election Day when the Secretary is required to determine whether the standards for a Statewide recount have been met under Section 1404(g) of the Election Code. 25 P.S. § 3154(g).

RECOUNT ORDER BY THE SECRETARY

Unless waived by all affected candidates, Section 1404(g) of the Election Code (25 P.S. § 3154(g)) requires the Secretary of the Commonwealth to order all county boards of election to conduct a recount if, based on the unofficial returns submitted to the Secretary by the county boards of election on form DSBE UR-CBE and any required supplements thereto, the Secretary of the Commonwealth determines:

- (1) A candidate for a public office that appears on the ballot in every election district in the Commonwealth was defeated by **one-half of one percent** or less of the votes cast for the office; or
- (2) A ballot question appearing on the ballot in every election district in the Commonwealth was approved or rejected by one-half of one percent or less.

The Secretary of the Commonwealth must issue an order for a recount by **5:00 P.M. of the second Thursday following the day of the election**. *The Secretary of the Commonwealth must provide 24 hours notice of the order to each candidate and to each county chairman of each party or political body affected by the recount.* Notice will be provided to each candidate and to each county chairman affected via e-mail and press release, and other method(s) as the Secretary might deem necessary and appropriate.

As provided by Section 1404(h) of the Election Code (25 P.S. § 3154(h)), the Secretary will not order a recount if the defeated candidate by 12:00 P.M. on the second Wednesday following the election requests in writing that a recount not be made.

The recount order will be transmitted to each county via e-mail and other means deemed appropriate by the Secretary of the Commonwealth. The recount order also will be posted on the Department of State's World Wide Web Site at www.dos.state.pa.us.

Under Section 1404(g)(5)(ii) of the Election Code (25 P.S. § 3154(g)(5)(ii)), the Secretary of the Commonwealth must schedule the recount, so it is **begun no later than the third Wednesday following the election.**

Under Section 1404(g)(4) of the Election Code (25 P.S. § 3154(g)(4)), a candidate affected by the recount may be present, in person or by attorney, at the recount conducted in each county. A political party or political body affected by the recount may send two representatives to the recount.

Section 1404(g)(5)(iii) (25 P.S. § 3154(g)(5)(iii)) mandates that the recount be **completed by 12:00 Noon on the Tuesday following the third Wednesday after the election.**

CONDUCTING THE RECOUNT

Under Sections 1118-A and 1404(e)(3) of the Election Code (25 P.S. §§ 3031.18 and 3154(e)(3)), the county board of elections must recount all ballots using manual, mechanical or electronic devices of a different type than that used for the specific election.

- **All ballots containing overvotes, undervotes or marginal marks must be counted manually.**
- Counties shall conduct the recount using tabulators of a different type than that used in the election, or by a hand count of the paper ballots.

By 5:00 P.M on the Friday following the election the county board of elections must submit a completed Recount Procedures Form. This form will be proscribed by the Secretary, provide an overview of the county's recount plan, and will be distributed as necessary.

Under Section 1407(a) of the Election Code (25 P.S. § 3157(a)), appeals of determinations made by a county board of elections following an order for a recount by the Secretary of the Commonwealth related to the offices or ballot questions that are the subject of the statewide recount must be taken to the Commonwealth Court – even after the recount ordered by the Secretary has been completed.

RECORDING THE RESULTS OF THE RECOUNT

A county board of elections must record the results of its recount on form DSBE RE-CBE (Recount Tabulation Reporting Form). The recount report shall include the computation and tabulation of all returns that have been made by the county board of elections.

In the event that the statutory deadline to receive and count absentee and mail-in ballots from certain electors has been extended by order of court to a date occurring after the completion of the recount, a county board of elections must attach to form DSBE RE-CBE a statement that describes the total number of absentee and mail-in ballots that were delivered to such electors and that have

not yet been received by the county board of elections. *(For example, if the deadline to receive absentee ballots from military electors and overseas citizens were extended to a date occurring after the completion of the recount, the county board of elections would need to calculate the total number of absentee ballots that may yet be received by those affected military and overseas electors.)*

TRANSMITTING THE RECORDED RESULTS OF THE RECOUNT TO THE SECRETARY

As required by Section 1404(g)(6) of the Election Code (25 P.S. § 3154(g)(6)), the county boards of elections must submit the results of the recount to the Secretary of the Commonwealth on form DSBE RE-CBE **no later than 12:00 Noon on the day following completion of the recount via e-mail to resource account RA-elections@pa.gov**, and via additional means, as may be required by the Secretary.

###

CERTIFICATION REGARDING PUBLIC ACCESS POLICY

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Sean A. Kirkpatrick
SEAN A. KIRKPATRICK
Senior Deputy Attorney General

CERTIFICATE SERVICE

I certify that on June 3, 2022, I served all counsel with a copy of this filing via PACFile except as following:

Served via U.S. First Class Mail

William Spyro Speros, Esq.
Counsel for Erie County Board of Elections

Jacquelyn Pfursich, Esq.
Counsel for Lancaster County Board of Elections

/s/ Sean A. Kirkpatrick
SEAN A. KIRKPATRICK
Senior Deputy Attorney General