CANVASS BEST PRACTICES & PROCEDURES GUIDE

WEST VIRGINIA SECRETARY

OF STATE'S OFFICE

ELECTIONS DIVISION

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Canvassing Primary, General, and Special Elections

What is 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?

- Statewide Primary or General elections: County Commission.
- County and statewide special elections: County Commission.
- Municipal primary, general, or special election not held in conjunction with any county or state election: Municipal governing body.
- 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 no longer than necessary. (W. Va. Code § 3-6-9(a)(3)) **All** procedures must be conducted under the supervision of a quorum of the board.

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))

Who May 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.

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 can do so for a reasonable period of time. (W. Va. Code § 3-4A-27(a))

When Is the Canvass Held?

For primary, general, and special elections, the canvass must be held on the fifth day after the election, excluding Sundays from the count. 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 fifth 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 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))

Materials for Electronic System Canvassing

Electronic Voting Systems (Optical Scan 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 (Optical scan 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
17. USB Drives
18. ElectionWare software

Conducting Canvass for Electronic Voting Systems

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 shall not be greater than $300.00.

3. Select random precincts for the hand count and begin preparing the necessary materials, but do not start the hand count yet. West Virginia law requires a **hand count of three percent** of precincts as part of the audit of voting equipment.

The Board of Canvassers determines which precincts to hand count by **random selection** held in an open meeting. The method of random selection is determined by the Board of Canvassers.

Hand Count Audit Requirements:

- **1–33 precincts:** hand count 1 randomly selected precinct.
- **34–66 precincts:** hand count 2 randomly selected precinct.
- **67–100 precincts:** hand count 3 randomly selected precinct.
- **101–133 precincts:** hand count 4 randomly selected precinct.
- **134–166 precincts:** hand count 5 randomly selected precinct.
- **167–200 precincts:** hand count 6 randomly selected precinct.

The Board of Canvassers must then determine whether the ballots counted in those precincts will equal at least 5% of the total ballots cast in the county. If the 3% audit does not reach the 5% threshold, the county must select an additional precinct, at its discretion, for a hand count. In the additional precinct, at least one federal race and one state or local race of the county's choice must be hand counted.

Note: Absentee and Early Voting ballots from the precincts selected must be included in the audit.

4. Prepare a well-bound book marked "election record," to record all proceedings in ascertaining and declaring the results of the election. (W. Va. Code § 3-6-9(a))

5. Prepare the materials for each precinct and have them ready for the canvassing board.

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)) When counting paper ballots, follow the aforementioned guidance and file all related 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.

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 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 THE 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 must not be opened.** They are to remain sealed and maintained with other election materials.

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 may 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.

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 W. Va. 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.

29. If there is a **difference of 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 it to the Secretary of State's Office.

30. Load the results into the Election Management Software. Follow the instructions from the Secretary of State's office to export and upload the unofficial results to the Election Night Reporting System.

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 by phone or email (304-558-6000 or elections@wvsos.gov).

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 must not 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) You must prepare multiple sets of signed original Certificates of Results and distribute them to the appropriate offices.

36. Email a copy of the Certificate of Results to **elections@wvsos.gov**, and mail a set of original Certificates of Results to:

WV Secretary of State's Office
ATTN: Elections
1900 Kanawha Blvd. E.
Building 1, Ste. 157-K
Charleston, WV 25305

Also mail to any other appropriate offices as required by W. Va. Code § 3-5-18, § 3-6-11, and CSR § 153-18-9. Transmit these as soon as possible, but **no later than 30 days after the election**.

37. Secure all election material for a minimum of 22 months after the election. Always check with your legal counsel before destroying election materials.

Canvassing Provisional Ballots

The following suggestions are provided as **guidance** for deciding whether to count provisional ballots. In all instances, it is the duty of the Board of Canvassers to evaluate the information provided and make a determination consistent with law. Where the law is not clear, consult county legal counsel.

	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: • is a registered voter of your county; • voted in precinct in which he or she is registered; • affirmed change with signature on poll ticket; and • has no other valid challenge	YES
C1.	Voter moved to address within county in a new precinct. If voter meets all of the following: • is a registered voter of your county; • voted in precinct for his or her **new** address; • affirmed change with signature on poll ticket; and • has no other valid challenge	YES W. Va. Code § 3-2-31(c)
C2.	Out-of-precinct voter: • assigned to a different precinct in the same county (*e.g.* redistricting); and • voted provisional ballot at the previous/incorrect precinct; and • candidates on the voted ballot were <u>EXACTLY THE SAME</u> as the candidates on the voter's new precinct ballot. **Note:** Under W. Va. Code § 3-1-41(d), voters who appear at the incorrect precinct are to be provided written notification by the poll clerks that the out-of-precinct ballot cast may not be counted for that election, and when possible are to be given the directions/address/location of the appropriate precinct. If the voter chose to	**Possibly, upon review:** Consult county legal counsel W. Va. Code § 3-1-41(e) (determine whether challenge was caused by technical error, omission, or oversight. If so, ballot can be counted "if it can be reasonably ascertained that the challenged voter was entitled to vote." **Note:** The only out-of-precinct statutory provisions are for disabled persons per W. Va. Code § 3-1-34(b); canvassers must determine if out-of-precinct vote was caused by error described in W. Va. Code § 3-1-41(e).

	vote in the incorrect precinct, and the notice and directions/address/location of the appropriate precinct were not provided, this could be a technical error, omission, or oversight contemplated by W. Va. Code § 3-1-41(e). Discretion by the Board of Canvassers must be exercised in this case, possibly with the advice of county legal counsel.	
C3.	Out-of-precinct voter: • assigned a different precinct in the same county (*e.g.* redistricting); and • voted provisional ballot at the previous/incorrect precinct; and • at least one (1) candidate on the voted ballot is not a candidate voter is entitled to vote for in the voter's new precinct. **Note:** Under W. Va. Code § 3-1-41(d), voters who appear at the incorrect precinct are to be provided written notification by the poll clerks that the out-of-precinct ballot cast may not be counted for that election, and when possible are to be given the directions/address/location of the appropriate precinct. If the voter chose to vote in the incorrect precinct, and the notice and directions/address/location of the appropriate precinct were not provided, this could be a technical error, omission, or oversight contemplated by W. Va. Code § 3-1-41(e). Discretion by the Board of Canvassers must be exercised in this case, possibly with the advice of county legal counsel.	**Possibly, upon review:** Consult county legal counsel W. Va. Code § 3-5-14 read in pari materia with W. Va. Code §§ 3-1-34(b) and 3-1-41(e) (challenge caused by technical error, omission, or oversight; voter determined entitled to vote; and remedial process for counting only races on voter's correct ballot is analogized to disabled persons voting out of precinct, which analogy might be permitted by W. Va. Code § 3-5-14 for "when no specific provision is made" for this phase of the election administration. However, W. Va. Code § 3-1-41(d) does not permit out-of-precinct vote to be counted, unless canvassers determine the error falls under W. Va. Code § 3-1-41(e)).
D.	Voter **changed address** within the county. If voter: • voted in a precinct that is not the precinct of the new address	NO W. Va. Code § 3-2-31(c)

E.	Voter is handicapped and voted outside of their current precinct but within county. If voter: • is a registered voter in your county; and • is currently registered in a precinct that is not handicapped accessible, – OR – • 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.	**Primary Elections Only:** A voter registered with a recognized political party cast a ballot for a party different from the one listed on their most recent signed registration record, or a voter not registered with a recognized party cast a ballot for a party that does not allow no-party voters to vote its ballot.	NO W. Va. Code § 3-2-31(a)
G.	Voter was a poll worker... • if voter has no other valid challenge	YES -- but count only races and/or issues on the ballot in voter's correct precinct.
H.	Voter received assistance believed unnecessary. If it is determined by the board of canvassers that... • assistance received was **not necessary** – OR – • assistance received **was necessary.**	NO YES W. Va. Code § 3-1-34(b)
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 the first time 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 the voter provided a form of ID to county before canvass.
L.	An absentee voter's handwriting is not the same on his/her voter registration record, ballot application, and absent voter's ballot envelope.	Board of Canvassers determines if signature is the same and acts accordingly.

	• Consider illness, age, disabilities, etc. when comparing the absentee ballot application and the absent voter's ballot envelope to the voter's registration record.	
M.	The signature on the poll slip is not in the same handwriting as the signature on the registration card. • 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 the signature of the 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)
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... • 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. -AND- 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. -AND- 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 **sos.wv.gov/elections**
in the Election Administrators section

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 #_____

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: =_____

The **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: =_____

The **total number of ballots** should equal **the total number of ballots sent to precinct**, which is 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: _____

Total number of absentee ballots counted at canvass: _____

Total number of provisional ballots received for precinct: _____

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

Total number of provisional ballots counted at canvass: _____

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

Findings of Board of Canvassers *(attach additional sheets if necessary)*

EXPRESSVOTE PRECINCT CANVASSING WORKSHEET

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

_____ PRIMARY/GENERAL/SPECIAL ELECTION

Precinct #_____

Ballots cast (use public count): _____

Number of early voting ballots cast: +_____

Number of absentee ballots cast: +_____

Total number of ballots tabulated: =_____

The **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: =_____

The **total number of spoiled ballots and provisional ballots in the election management system** should equal the numbers reported by the poll workers on the **statement of ballots used.**

Total number of absentee ballots received after Election Day: _____

Total number of absentee ballots counted at canvass: _____

Total number of provisional ballots received for precinct: _____

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

Total number of provisional ballots counted at canvass: _____

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

Findings of Board of Canvassers *(attach additional sheets if necessary)*

BALLOTS CAST AND COUNTED – PRIMARY

Election Year: _____

County:_____

Declaration Date:_____

Declaration Time:_____

Instructions: Complete this form at the end of canvass and send a copy to elections@wvsos.gov upon the declaration of results.

Type Of Ballot	Number of Ballots Cast Include Election Day, absentee, early voting, and provisional ballots	– (minus)	Provisional Ballots Not Counted	= (equals)	Ballots Counted
Democrat		-		=	
Republican		-		=	
Mountain		-		=	
Libertarian		-		=	
Constitution		-		=	
Non-Partisan (voters who voted non-partisan ballot only)		-		=	
Total		-		=	

Provisional Ballot Categories:	**Not Counted**	**Counted**	**Total**
Not Registered:	_____	_____	_____
Wrong Precinct:	_____	_____	_____
Lack of Proper ID:	_____	_____	_____
Poll Worker Challenged Eligibility:	_____	_____	_____
No Signature:	_____	_____	_____
Non-Matching Signature:	_____	_____	_____
Other:	_____	_____	_____
Total:	_____	_____	_____

Total # of Election Day In-Person Ballots Counted (do not include provisional): _____

Total # of Early Voted Ballots Counted (do not include provisional): _____

Total # of Absentee Ballots Counted (do not include provisional): _____

Total # of Absentee by Fax/Email/Online Counted (do not include provisional): _____

BALLOTS CAST AND COUNTED - GENERAL/SPECIAL

Election Year: _____

County:_____

Declaration Date:_____

Declaration Time:_____

Instructions: Complete this form at the end of canvass and send a copy to elections@wvsos.gov upon the declaration of results.

	Number of Ballots Cast Include Election Day, absentee, early voting, and provisional ballots	**_ (minus)**	**Provisional Ballots Not Counted**	**= (equals)**	**Ballots Counted**
Total Ballots		-		=	

Provisional Ballot Categories:	**Not Counted**	**Counted**	**Total**
Not Registered:	_____	_____	_____
Wrong Precinct:	_____	_____	_____
Lack of Proper ID:	_____	_____	_____
Poll Worker Challenged Eligibility:	_____	_____	_____
No Signature:	_____	_____	_____
Non-Matching Signature:	_____	_____	_____
Other:	_____	_____	_____
Total:	_____	_____	_____

Total # of Election Day In-Person Ballots Counted (do not include provisional): _____

Total # of Early Voted Ballots Counted (do not include provisional): _____

Total # of Absentee Ballots Counted (do not include provisional): _____

Total # of Absentee by Fax/Email/Online Counted (do not include provisional): _____

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.

Canvass Precinct Audit Verification Form

Summary:

The West Virginia Secretary of State's directive, "Post-Election Canvassing – Five-Percent Manual Review of Ballots," requires the Board of Canvassers in each county to randomly select 3% of precincts to hand count, as required by the standard audit process. The county must then determine whether the ballots counted in those precincts will equal at least 5% of the total ballots cast in the county. If the 3% audit does not reach the 5% threshold, the county must select an additional precinct, at its discretion, for a hand count. In the additional precinct, at least one federal race and one state or local race of the county's choice must be hand counted.
Note: Absentee and Early Voting ballots from the precincts selected must be included in the audit.
This Directive is issued pursuant to the Secretary of State's authority under West Virginia Code § 3-1A-6 and in furtherance of the canvass and manual-review requirements established by W. Va. Code § 3-4A-28.

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: _____.**

2. **Total number of ballots audited: _____.**

3. **Did your county choose an additional precinct to count to reach the 5% ballots cast threshold?**
   Circle one: Yes or No

4. **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)**:**

_____.

5. **List the names of all individuals who participated in the audit** (continue on a new sheet if needed):

_____ _____ _____

_____ _____ _____

_____ _____ _____

_____ _____ _____

[continued on next page]

6. **Provide any <u>differences</u> 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 #: _____ **Precinct #**: _____

Office/Race: _____ **Office/Race**: _____

Original Returns: _____ **Original Returns**: _____

Hand Count Returns: _____ **Hand Count Returns**: _____

Precinct #: _____ **Precinct #**: _____

Office/Race: _____ **Office/Race**: _____

Original Returns: _____ **Original Returns**: _____

Hand Count Returns: _____ **Hand Count Returns**: _____

Precinct #: _____ **Precinct #**: _____

Office/Race: _____ **Office/Race**: _____

Original Returns: _____ **Original Returns**: _____

Hand Count 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
_____	_____	_____
Printed Name	Signature	Date
_____	_____	_____
Printed Name	Signature	Date
_____	_____	_____
Printed Name	Signature	Date