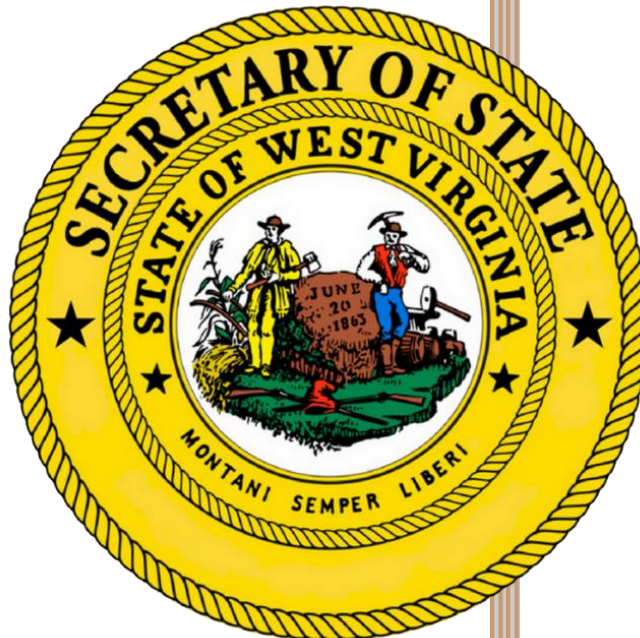


Elections Division

Municipal Canvassing Manual

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Office of the Secretary of State

State Capitol Building, 157-K
Charleston, WV 25305

PHONE:

Main: (304) 558-6000

Fax: (304) 558-0900

Toll Free: (866) 767-8683

WEBSITE: sos.wv.gov/elections

EMAIL: elections@wvsos.gov

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Canvassing Municipal Primary, General, and Special Elections

What is the canvass?

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

Who is the Board of Canvassers?

- | | |
|--|--------------------------|
| 1. Municipal primary, general, or special election NOT held in conjunction with any county or state election | Municipal governing body |
| 2. 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. If the canvass cannot be completed in one session, the meeting may adjourn, but for no longer than absolutely necessary. All procedures must be conducted under the supervision of a quorum of the board. (W. Va. Code §3-6-9)

Who is the presiding officer at the canvass?

The presiding officer of the governing body

Who assists with the canvass?

- | | |
|---|--------------------|
| <ul style="list-style-type: none"> • For canvasses conducted by the county commission | County Clerk |
| <ul style="list-style-type: none"> • For canvasses conducted by municipal governing body | Municipal Recorder |

When is the canvass held?

- | | |
|--|---|
| <ul style="list-style-type: none"> • Primary elections
(W. Va. Code §3-5-17) | The fifth day (not counting Sunday) after the election. If the fifth day falls on a Saturday, Sunday or legal holiday, the canvass begins on the next business day. |
| <ul style="list-style-type: none"> • General and Special elections
(W. Va. Code §3-6-9) | The fifth day (not counting Sunday) after the election. If the fifth day falls on a Saturday, Sunday or legal holiday, the canvass begins on the next business day. |

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 §3-6-9).

Materials to be Used at Canvass

Paper Ballots

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

Conducting a Paper Ballot Canvass

W. Va. Code §3-6-9

1. Call the meeting to order --- a quorum of canvassing board must be present. (W. Va. Code §3-6-9(a)(4)).
2. Set the amount of bond for a recount. The bond amount cannot be greater than \$300.00 (W. Va. Code §3-6-9(h)).
3. Have the materials for each precinct ready for the canvassing board. **NOTE: Handle only one precinct at a time. Finish all procedures for one precinct completely before starting the next. A precinct worksheet (found in the back of this booklet) should be completed for each precinct as each step is completed. File the information in the election record.**
4. 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 cast. 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.*
5. 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.
6. 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.
7. Determine the number of unused ballots, by reviewing the ballot stub numbers on the ballots.
8. 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.
9. Review the absentee ballots by mail received after Election Day that are to be counted. Absentee ballots are accepted if they are postmarked by the United States Postal Service no later than Election Day (W. Va. Code §3-3-5(g)(2)). Faxed/emailed ballots are not to be accepted if they are received after the polls have closed (W. Va. Code §3-3-5(i)). If the ballot is returned by an express shipping service, it must be received by the day after the election (W. Va. Code §3-3-5(g)(1)). If an absentee ballot is from a MILITARY OR OVERSEAS voter, no postmark is required, but the ballot must be received before canvass starts in order to be counted (W. Va. Code §3-3-5(h)).
10. 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.

11. 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.
 12. 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.
 13. Tally each ballot and then continue with the write-in ballots. Once all ballots are tallied, 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.
 14. Review each provisional ballot. Determine if the provisional ballot is to be counted. (W. Va. Code §3-1-41(e)).
 15. 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.
 16. Every effort should be made to maintain the secrecy of the provisional voter. The names of the provisional voters should NOT be announced during the canvass.
- NOTE: WEST VIRGINIA LAW REQUIRES THAT PRIVACY OF PROVISIONAL BALLOTS MUST BE ENSURED.** If there is only one provisional ballot from a precinct to be counted, place it with ballots from another precinct in the same district and enter the total for that precinct, but make note in the record of canvass. **Provisional ballots that are NOT counted are NOT TO BE OPENED.** They are to remain sealed and maintained with other election materials. (W. Va. Code §3-1-41(e)).
17. Once the decision is made to count a ballot or group of ballots, open the outer envelope of the first provisional ballot. (W. Va. Code §3-6-9(a)(6)). 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.*
 18. 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.
 19. Tally 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.
 20. Make an official record of the findings for each precinct, including the comparisons made, number of ballots cast, spoiled, unused, and provisional, etc. (W. Va. Code §3-6-9(a)(6)). If there are any discrepancies, make a detailed note in the record of canvass for that precinct.

21. 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. (W. Va. Code 3-6-6(c)(2)).

22. Reseal all precinct materials in the appropriate envelopes. (W. Va. Code §3-6-9(a)(7)).

23. Declare the results. (W. Va. Code §3-6-9(a)(8)).

24. Enter results in the official record of canvass.

25. The declaration starts a 48-hour recount request period. You cannot certify a race until *after* the 48-hour recount request period has ended. (W. Va. Code §3-6-9(a)(8)(A)). You should set and announce a date and time to certify the results.

26. If a candidate demands a recount, you follow the procedures set forth in the Municipal Recount manual. At the end of the 48-hour period, the board of canvassers shall certify all races on a ballot that are not subject to a recount. Do not certify the recounted race(s) until *after* the recount process is complete.

27. Adjourn the board of canvassers after certification, publishing the official results by entering them into the minutes of the governing body on the same date of the certification. The certificates of the election showing official vote totals for all races must be available to the public at the office of the city or town recorder or municipal clerk. Upon request by a candidate, the governing body shall transmit (via mail, email, or any other method available) a copy of the certificates of the election.

28. Secure all election material for a minimum of 22 months following the election (W. Va. Code §3-6-9(i)).

Canvassing Provisional Ballots

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

	Reason for Provisional Ballot	Suggestion for counting
A.	Voter is NOT a registered voter in your city/town	NO W. Va. Code §3-1-3
B.	Voter had a name change . If voter meets all of the following... <ul style="list-style-type: none"> • is a registered voter of your city/town; • voted in precinct in which registered; • affirmed change with signature on poll ticket; and • has no other valid challenge 	YES
C.	Voter moved to address within county in a new precinct. If voter meets all of the following: <ul style="list-style-type: none"> • is a registered voter of your county (confirm with county clerk); • 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)
D.	Voter changed address in city/town. If voter... <ul style="list-style-type: none"> • voted in precinct which is NOT the precinct of the new address. 	NO W. Va. Code §3-2-31(c)
E.	Voter is handicapped and voted outside current precinct but within city/town. If voter... <ul style="list-style-type: none"> • is a registered voter in your city/town; and • is currently registered in a precinct that is NOT handicapped accessible. <p style="text-align: center;">- OR -</p> <ul style="list-style-type: none"> • is currently registered in a precinct that is appropriately handicapped accessible. 	YES -- but count only races and/or issues on the ballot in voter's correct precinct NO W. Va. Code §3-1-34(b)
F.	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)

<p>G.</p>	<p>Voter was a poll worker. If voter...</p> <ul style="list-style-type: none"> • was working out of his/her current precinct; and • has no other valid challenge. 	<p>YES -- but count only races and/or issues on the ballot in voter's correct precinct. W. Va. Code §3-1-41(f).</p>
<p>H.</p>	<p>Voter received assistance believed unnecessary. If it is determined by the board of canvassers that</p> <ul style="list-style-type: none"> • assistance received was NOT necessary <p style="text-align: center;">- OR -</p> <ul style="list-style-type: none"> • assistance received WAS NECESSARY 	<p>NO</p> <p>YES W. Va. Code §3-1-34(b)</p>
<p>I.</p>	<p>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.</p>	<p>Board of Canvassers must determine if an absentee ballot was returned to the county clerk. W. Va. Code §3-3-9</p>
<p>J.</p>	<p>Voter voted an absentee ballot, but absentee ballot application was completed incorrectly.</p>	<p>Board of Canvassers determines if the errors were sufficient to deny the ballot. W. Va. Code §3-3-10(a)(1)</p>
<p>K.</p>	<p>Voter voted an absentee ballot but absentee ballot application contained false statements or declaration.</p>	<p>Board of Canvassers determines if statements are false. W. Va. Code §3-3-10(a)(2)</p>
<p>L.</p>	<p>Voter voted for first time since registering to vote without showing any forms of ID listed in W. Va. Code §3-2-10(g), and did not provide copy of ID when voting or with absentee ballot.</p>	<p>NO – unless voter provided form of ID to county before Canvass.</p>
<p>M.</p>	<p>An absentee voter's handwriting is not the same on his/her voter's registration card, ballot application, and absent voter's ballot envelope.</p> <ul style="list-style-type: none"> • Consider illness, age, disabilities, etc. when comparing the absentee ballot application and the absent voter's ballot envelope to the voter's registration card. 	<p>Board of Canvassers determines if signature is the same and acts accordingly. W. Va. Code §3-3-10(b)(4)</p>
<p>N.</p>	<p>Signature on poll slip is not in the same handwriting as the signature on the registration card.</p> <ul style="list-style-type: none"> • Consider illness, age, disabilities, etc. when making this determination 	<p>Board of Canvassers determines if signature is the same and acts accordingly.</p>

		W. Va. Code §3-1-34(e)(6)
O.	Ballot does not contain proper signatures of poll clerks. (This includes election day, absentee and early voting ballots.) This is considered an error on the part of the poll clerks.	YES - if all ballots in precinct can be accounted for W. Va. Code 3-6-6(c)(2)
P.	Absentee envelope does NOT contain signature of voter.	NO W. Va. Code §§3-3-10(a)(1), 3-3-5(f)(1)(c)
Q.	Voter has died after absentee ballot was cast. (Absentee ballot should not be challenged due only to death.)	YES
R.	Voter has written in a candidate who is NOT an official write-in candidate.	NO W. Va. Code §3-4A-27(c)(4)
S.	A voter's choices for an office exceeds the number of candidates permitted to be elected to that office.	NO W. Va. Code §3-6-5(b)
T.	A technical error has occurred. If... <ul style="list-style-type: none"> it can be reasonably ascertained that the challenged voter was entitled to vote and his or her choices are able to be clearly determined 	YES W. Va. Code §3-1-41(e), 3-6-5(c)
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 matches the signature on the voter registration record.	YES W. Va. Code §3-3-10(b)(4)
V.	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)
W.	The voter does not show a valid photo ID . Before canvass, the provisional ballot signature is compared to the voter's registration signature. The Signature matches. The Signature does not match.	YES NO W.Va. Code §3-1-34 and §3-2-10(g-i)

PAPER PRECINCT CANVASSING WORKSHEET

This worksheet follows the steps found under "Performing a Paper Ballot Canvass."

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

Precinct Ballots Tabulated

Number of Election Day ballots cast: _____

Number of early voting ballots cast: + _____

Number of absentee ballots cast: + _____

Total Number of Ballots Tabulated: = _____

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

Election Day Ballot Verification

Only use Election Day ballots for each calculation

Number of ballots cast: _____

Number of spoiled ballots: + _____

Number of provisional ballots: + _____

Number of unused ballots: + _____

Total Number of Ballots: = _____

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

Precinct Ballots Counted at Canvass

Total Number of Absentee Ballots received after Election Day: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precincts: _____

Primary Only: Democratic Ballots: _____

Republican Ballots: _____

Mountain Ballots: _____

Libertarian Ballots: _____

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: _____