



Boulder County 2022 Primary Election Recount Guide

1. Schedule

- Counties must complete a mandatory recount no later than the thirty fifth day after the election. In the 2022 Primary, the thirty fifth day is August 2. **C.R.S. 1-10.5-102(2), 103.**
- Boulder County is still reviewing our schedule and will share by Thursday, July 14.

2. Recount Notice

- Candidates will be notified of the recount before it begins by email, telephone, fax or personal service. **C.R.S. 1-10.5-105.**

3. Cancelling a Mandatory Recount

- Losing candidates may submit a letter of withdrawal to Boulder County before the recount begins. If a withdrawal is submitted, the county clerk need not conduct a recount for that race. **Rule 10.9.6.**

4. Canvass Board's role and duties:

- Any county clerk and recorder or governing body required to conduct a recount shall arrange to have the recount made by the canvass board who officiated in certifying the official abstract of votes cast. If any member of the canvass board cannot participate in the recount, another person shall be appointed in the manner provided by law for appointment of the members of the original board. **C.R.S. 1-10.5-107(1).**
- The canvass board may employ assistants and clerks as necessary. **C.R.S. 1-10.5-107(2).**
- The canvass board may require the production of documentary evidence regarding votes cast or counted and may correct the abstract of votes cast in accordance with its findings based on the evidence presented. **C.R.S. 1-10.5-107(3).**
 - Per Secretary of State guidance, the canvass board may only review the documents it needs to complete the re-tabulation. This includes original ballots, accounting forms, and duplication logs. The canvass board may not review signatures on return ballot envelopes.
- The canvass board's role in conducting a recount includes selecting ballots for the random test, observing the recounting of ballots, and certifying the results. **Rule 10.11.**
- The purpose of a recount is to re-tabulate the ballots. **Rule 10.9.1.**

5. Re-scan of Ballots

- A county that has successfully completed the audit and reported no discrepancies in the recount contest need not re-scan ballots during a recount, except when the losing candidate with the most votes requests that the county re-scan the ballots. **Rules 10.9.2, 10.9.3.**

6. Logic and Accuracy (if re-scanning ballots)

- The canvass board must, prior to any recount, randomly choose and test voting devices

used in the original race. The canvass board must compare a manual count of the voter verified paper records against the count of those voting devices chosen. If the results of the comparison are identical, or if any discrepancy can be attributed to voter error, the county must conduct the recount in the same manner as the original count. **C.R.S. 1-10.5-102 (3) (a) and (b).**

- If there are unresolvable discrepancies in the test, the recount must be conducted as a hand count under **Rule 10.13.5. Rule 10.13.1.**
- The clerk must test all ballot scanners that will be used in the recount. **Rule 10.12.2**
- The test desk must include **Rule 10.12.2(a).**
 - Every ballot style and precinct style containing the recounted contest.
 - Enough ballots to mark every vote position and every possible combination of vote positions including overvotes, undervotes, and black votes in the recounted contest.
 - An additional 10 ballots each for two canvass board members of different affiliations marked by those board members.
- A bipartisan team, of election judges and/or staff, must hand tally the recounted contest on the test ballots and verify that the hand tally matches the voting system's tabulation. **Rule 10.12.2(b).**
- The test is limited to the race or measure being recounted. **Rule 10.12.2(c).**

7. Counting Ballots

- A clear audit trail must be maintained throughout the recount including, but not limited to, a log of seal numbers on transfer cases or ballot boxes, and the corresponding numbered seal for each transfer case or ballot box. **Rule 10.13.2.**
- Tabulation of ballots must be completed through a precise, controlled process that ensures each container of ballots is retabulated and resealed before tabulation of the next container begins. **Rule 10.13.5.**
- The number of ballots counted according to the final results for that race or measure must be available during the recount for comparison purposes. **Rule 10.13.6.**

8. Adjudication of Ballots

- Ballots must be reviewed for voter intent using the standards in Rule 18, but only recount races are reviewed for voter intent. **Rule 10.13.3.**
 - Every overvote, undervote, blank vote, ambiguous mark, and write-in vote in the races or measures subject to the recount must be reviewed in accordance with the Voter Intent Guide.
 - The bipartisan team of judges conducting the voter intent review may resolve the intent differently than the judges in the election.

9. Reporting Results

- At the conclusion of the recount, the canvass board shall make the returns of all recounted races to the county clerk and recorder and provide a copy to the candidates notified of the recount. **C.R.S. 1-10.5-107(4).**
- The canvass board shall meet and issue an amended abstract of votes cast, if necessary, for the office that is the subject of the recount and deliver it to the county clerk and recorder. **C.R.S. 1-10.5-107(4).**
- The Clerk must report the totals in summary form as follows **Rule 10.14.1.**
 - Sum total of votes cast for each race recounted, under-votes, and over-votes for each location;
 - The totals must be a combined total, not totaled by individual precincts or location, unless the tabulation system allows.
- Once the canvass board certifies the abstract it may not withdraw the certification. In the event of a recount, the canvass board may only affirm or amend the abstract. **Rule 10.7.2.**

10. Challenges to the Recount

- Any candidate in a race subject to a recount who has reasonable grounds to believe that the canvass board or county is not conducting the recount in a fair, impartial, or uniform manner may apply to the district court for the political subdivision for an order requiring the designated election official to stop the recount, give the appropriate official all election records used in conducting the recount, and require the appropriate official to conduct the recount. If the county clerk and recorder is not the designated election official, then the county clerk and recorder is the appropriate official to conduct the recount. If the county clerk and recorder is the designated election official, then the Secretary of State is the appropriate official to conduct the recount. The designated election official will be an official observer to any recount. **C.R.S. 1-10.5-109(1)(b).**

11. Cost of Recount

- Boulder County is the entity that certified the candidate to the ballot so the county will pay the costs incurred in conducting the mandatory recount. **C.R.S. 1-10.5-101(2).**