



2022 Primary Election Mandatory Recount Kickoff

July 25, 2022

Overview



- Introductions and Roles
- Why are we here
- Recount Statute and Rules
- Voter Intent Review
- Timeline of activities
- Questions

Introductions and Roles



- **Full Time Staff**
- **Canvass Board Members**
 - Be present for and observe the recount
- **Adjudication Teams**
 - Re-Adjudicating the ballots
- **Warehouse Staff**
 - Assisting Adjudication Teams
- **Watcher Hosts**
 - Assisting with questions from watchers
 - Watchers have the same rules for a recount as during the primary.

Why are we here?



Colorado Revised Statutes - Title 1

- 1-13.5-1306. Recount. (1) The designated election official shall order a recount of the votes cast in any election if it appears, as evidenced by the survey of returns, that the difference between the highest number of votes cast in the election and the next highest number of votes cast in the election is less than or equal to one-half of one percent of the highest number of votes cast in the election.

Boulder County Commissioner - District 3 - Democratic Party

Ashley Stolzmann - 27,870

Elaina Shively - 27,802

Winning margin 68 votes

Colorado Revised Statutes - Title 1

- 1-10.5-107. Canvass board to conduct recount. (1) 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.
- The Democratic Canvass board member Lynne McNamara cannot participate and Pat Feeser has been appointed in her place

Election Rules - Rule 10

- 10.9.2 A county that has successfully completed the audit under Rule 25.2 and reported no discrepancies in the recount contest need not re-scan ballots during a recount, except as provided in Rule 10.9.3. In all cases, the county must re-adjudicate ballot images for voter intent in accordance with Rule 10.13.3.
 - As we had zero discrepancies in the audit, we will not be re-scanning ballots.
- 10.9.3 The losing candidate with the most votes, or an interested party as defined in section 110.5-106, C.R.S., may request that the county re-scan ballots.
 - We have not received a request to re-scan ballots

Election Rules – Rule 10(continued)

- 10.13.3 Ballots must be reviewed for voter intent using the standards in Rule 18.
 - (a) 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.
 - (b) The judges conducting the voter intent review may resolve the intent differently than the judges in the election.
 - This rule differs from 18.5.1 in that it includes undervotes and blank votes, but does not include blank ballots.
 - Blank ballots will still be physically reviewed as the contest will meet the blank contest requirement above.

Voter Intent

Chapter 2: Marking Patterns

Inconsistent Marking Patterns

Example 1: Inconsistent marking patterns that enter the target area

In the examples below, the voter has used inconsistent patterns to mark his or her votes. In this case, only the marks in the target areas would count as valid votes.

On the left, a valid vote would only be counted for Jeanne Labuda. On the right, only valid votes for Elizabeth Oldham and Tom Gray would be counted.

State Representative District 1 Representate del Estado Distrito 1 (Vote for One / Vote por Uno)
<input type="checkbox"/> Jeanne Labuda
State Representative District 2 Representate del Estado Distrito 2 (Vote for One / Vote por Uno)
<input checked="" type="checkbox"/> Mark Ferrandino
<input type="checkbox"/> James E. Johnson, Jr.
State Representative District 3 Representate del Estado Distrito 3 (Vote for One / Vote por Uno)
<input checked="" type="checkbox"/> Anne L. McGihon

STATE REPRESENTATIVE - DISTRICT 57 (Vote for ONE)
<input type="checkbox"/> Randy L. Baumgardner ✓
<input type="checkbox"/> Daniel L. Korkowski
DISTRICT ATTORNEY - 14th JUDICIAL DISTRICT (Vote for ONE)
<input checked="" type="checkbox"/> Elizabeth Oldham
COUNTY COMMISSIONER - DISTRICT 1 (Vote for ONE)
<input checked="" type="checkbox"/> Tom Gray
COUNTY COMMISSIONER - DISTRICT 2 (Vote for ONE)
<input type="checkbox"/> Saed F. Tayyara ✓

Chapter 3: Corrected Votes

Example 1: Crossing out a mistake

In the example below, the voter attempted to clarify his or her vote by crossing out the mistake. The X is a clear correction and the properly marked candidate or issue should receive a vote. (Section 1-7-508(2), C.R.S.).

STATE REPRESENTATIVE - DISTRICT 17 (Vote for One)	
<input checked="" type="radio"/>	Catherine "Kit" Roupe
<input checked="" type="radio"/>	Sheila Anne Hicks

Corrected Votes (Continued)

Example 2: Striking through the name of the candidate that the voter did not intend to mark

In the examples below, the voter has attempted to correct or clarify the vote by crossing out the name of the candidate they did not intend to vote for. Here, the strike through amounts to written instructions. In these examples, a vote would be counted according to the correction.

STATE REPRESENTATIVE - DISTRICT 57 (Vote for ONE)	
<input checked="" type="checkbox"/>	Randy L. Baumgardner
<input checked="" type="checkbox"/>	Daniel L. Korkowski

STATE REPRESENTATIVE - DISTRICT 17 (Vote for One)	
<input checked="" type="checkbox"/>	Catherine "Kit" Roupe
<input checked="" type="checkbox"/>	Sheila Anne Hicks

Example 3: Filling in the target area to correct an incomplete or incorrect mark

In this example, it appears that the voter may have initially marked his or her selection using an "X". The voter then filled in the entire target area, attempting to clearly indicate their vote. This will be counted as a valid vote for Randy L. Baumgardner.

STATE REPRESENTATIVE - DISTRICT 57 (Vote for ONE)	
<input checked="" type="checkbox"/>	Randy L. Baumgardner
<input type="checkbox"/>	Daniel L. Korkowski

Chapter 4: Written Instructions:

Example 1: All targeted areas marked and voter provides instructions or indications

The examples below illustrate written instructions clearly indicating which candidate the voter intended to mark.

STATE REPRESENTATIVE - DISTRICT 57 (Vote for ONE)	
<input checked="" type="checkbox"/> Randy L. Baumgardner	NO
<input checked="" type="checkbox"/> Daniel L. Korkowski	Yes

STATE REPRESENTATIVE - DISTRICT 17 (Vote for One)	
<input checked="" type="checkbox"/> Catherine "Kit" Roupe	
<input type="checkbox"/> Sheila Anne Hicker	

Timeline of Activities



July 25 - Monday

- Elections staff pull appropriate boxes.
- In presence of Canvass board and bi-partisan adjudication teams ballots needing to be physically reviewed are pulled.
 - Like our RLA process, these ballots are replaced by an off-colored sheet with a copy of the ballot image attached.
- Adjudication teams will review the recounted contest on each duplicated ballot meeting the criteria set forward in (10.13.3 (a))
 - If the adjudication team resolves the intent differently, this change will be logged so that it can be reflected on the amended abstract.
 - Ballot boxes will be sealed in the presence of the canvass board while adjudication teams are working.
- Once all duplicated ballots have been reviewed, Adjudication teams will move to the adjudication room and begin reviewing adjudication from the voting system.

Timeline of Activities



July 26 - Tuesday

- Adjudication Teams will complete adjudication review.
 - Blank ballots will be provided for physical review.
- After Adjudication is completed, we will seal the recount ballot box with all ballots pulled for physical review.
- Adjudicators and canvass board are done for the day.

August 2 – Tuesday

- Recount Canvass board will be remotely held.
 - If the recount results are the same as the initial count, the board will sign off again on the original abstract of votes.
 - If results change, an amended abstract of votes will be presented for Canvass board review and sign off.

Question & Answer



Please submit any questions you have about election activities to:
vote@bouldercounty.org

2022 Primary Election

Canvass Board Meeting

Boulder County Commissioner District 3 Recount
August 2, 2022

Agenda

- Introductions and Meeting Protocol
- Duties of Canvass Board in a Recount
- Recount Summary
- Amended Summary of Votes
- Presentation Q & A
- Certification

Duties of the Canvass Board - Recount

1-10.5-107. Canvass board to conduct recount.

- 1) 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.
- 2) Any canvass board making a recount under the provisions of this section may employ assistants and clerks as necessary for the conduct of the recount.
- 3) The canvass board may require the production of any documentary evidence regarding any vote cast or counted and may correct the abstract of votes cast in accordance with its findings based on the evidence presented.

Rule 10.3.2 - The canvass board's only duties are to:

- d) 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

Duties of the Canvass Board – Recount (cont'd)

Rule 10.14 – Canvass and reporting results for a recount

10.14.1 Totals of recounted ballots must be reported in summary form as follows:

- a) Sum total of votes for each race or measure recounted, under-votes, and overvotes for each location;
- b) The totals must be a combined total, not totaled by individual precincts or location, unless the tabulation system allows.

10.14.2 In accordance with section 1-10.5-107, C.R.S., and this Rule 10, the canvass board must amend, if necessary, and re-submit the abstract of votes cast.

Recount Summary

- Recount of the Boulder County Commissioner District 3 contest was ordered after Canvass certified results of the 2022 Primary Election on July 18, 2022
- The recount was conducted on July 25, 2022 with Canvass Board observing
- During the recount
 - 3,426 undervoted ballots were adjudicated
 - 580 duplicated ballots were pulled, paired with their original ballots and re-adjudicated
- The results changed by 3 votes in favor of Ashley Stolzmann
- Possible reasons for the change in results:
 - Overvotes adjudicated as a vote for a candidate
 - Ambiguous marks adjudicated as a vote for a candidate
 - A vote for a candidate adjudicated as an ambiguous mark (undervote)

Summary of Votes

- Below is the original and amended Summary of Votes

Original Summary of Votes

Choice Name	Active Affiliated Voters	Active Unaffiliated Voters	Total Ballots	Total Votes	Total Undervotes	Total Overvotes	Number of Precincts
Ashley Stolzmann	93,856	99,636	59,242	27,870	3,426	144	193
Elaina Shively	93,856	99,636	59,242	27,802	3,426	144	193

Amended Summary of Votes

Choice Name	Active Affiliated Voters	Active Unaffiliated Voters	Total Ballots	Total Votes	Total Undervotes	Total Overvotes	Number of Precincts
Ashley Stolzmann	93,856	99,636	59,242	27,873	3,427	140	193
Elaina Shively	93,856	99,636	59,242	27,802	3,427	140	193

- In addition to the amended Summary of Votes seen here, we have provided the Amended Statement of Votes (precinct level reporting)

Question and Answer



Duties of the Canvass Board - Recount

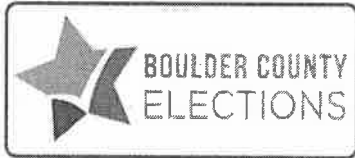
Rule 10.14 – Canvass and reporting results for a recount

10.14.1 Totals of recounted ballots must be reported in summary form as follows:

- a) Sum total of votes for each race or measure recounted, under-votes, and overvotes for each location;
- b) The totals must be a combined total, not totaled by individual precincts or location, unless the tabulation system allows.

10.14.2 In accordance with section 1-10.5-107, C.R.S., and this Rule 10, the canvass board must amend, if necessary, and re-submit the abstract of votes cast.

Thank you!



Boulder County Certification of 2022 Primary Election Boulder County Commissioner – District 3 – Democratic Party Recount

I, Molly Fitzpatrick, the Boulder County Clerk and Recorder, do hereby certify the amended Official Abstract of Votes Cast attached herein for the 2022 Primary Election Boulder County Commissioner – District 3 – Democratic Party Recount held in Boulder County on the 25 of July 2022.

We the undersigned Canvass Board for the 2022 Primary Election Boulder County Commissioner – District 3 – Democratic Party Recount, do hereby certify that:

- We have observed the recount
- We have reviewed and do hereby certify the results in the amended Official Abstract of Votes Cast.

Signed

[Redacted Signature]

Molly Fitzpatrick, Boulder County Clerk and Recorder

8/2/22

Date

[Redacted Signature]

Emily Brake, Republican Canvass Board Member

8/2/22

Date

[Redacted Signature]

Patricia Feeser, Democratic Canvass Board Member

8/2/22

Date