

2023 Coordinated Election Mandatory Recount Kickoff

City of Boulder City Council
November 30, 2023

Agenda

- Introductions and Roles
- Recount Statute
- Recount Voting Systems Test
- Recount Adjudication Rules
- Timeline of Activities
- Questions

Introductions and Roles

- Full Time Staff
- Canvass Board Members
 - Observe the recount
- Additional Part Time Staff (working 12/5 and 12/6)
 - Scanners
 - Re-scanning the City of Boulder ballots
 - Bi-partisan Adjudication Teams
 - Re-adjudicating the newly scanned ballots
 - Reviewing duplicated ballots to confirm adjudication decisions (if any)
 - Warehouse Team
 - Assisting scanners in ballot box organization and sealing/unsealing

Recount Statute

Colorado Revised Statutes - Title 1

1-10.5-101(1)(b) Recounts required

- (1) ...If there is more than one person to be elected in an election contest, a recount shall be held if the difference between the votes cast for the candidate who won the election with the least votes and the candidate who lost the election with the most votes is less than or equal to one-half of one percent of the votes cast for the candidate who won the election with the least votes. A recount shall occur only after the canvass board certifies the original vote count.

City of Boulder City Council – Vote for 4

- Ryan Schuchard – 14,412 (4th place)
- Terri Brncic – 14,365 (5th place)
- **Winning margin 47 votes or .00326%**

Recount Statute (Con't)

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.
- (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.

The Canvass Board who officiated in certifying the 2023 Coordinated Election is conducting the recount

(3) - (5) relate to concluding the recount and amending the abstract and will be covered during the recount Canvass

Recount Voting System Test

Colorado Revised Statutes - Title 1 & SOS Election Rule

- The canvass board must review the post-election audit before selecting the equipment for testing under section 1-10.5-102(3), C.R.S. Rule 10.12.1

Completed through Canvass Board duties on November 28, 2023

- The canvass board must, prior to any recount, randomly choose and test at least one ballot scanner that will be used in the recount. C.R.S. 1-10.5-102(3)(a)

Canvass Board will choose today a scanner to test

Recount Voting System Test (Con't)

Colorado Revised Statutes - Title 1 & SOS Election Rule

- The test desk must include: C.R.S. 1-10.5-102(3)(a)(I) and (III)
 - 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 blank votes in the recounted contest.
 - The canvass board may choose to use the county's group of ballots from the public logic and accuracy test conducted pursuant to section 1-7-509(2) for the same election to satisfy the above two requirements.

Canvass Board elected to utilize the test deck from the Logic and Accuracy Test

- An additional 10 ballots with the recount contest marked by at least two canvass board members of different affiliations.

Canvass Board will mark these 10 ballots today

Recount Adjudication Rules

SOS Election Rule 10.13.2

- Ballots must be reviewed for voter intent using the standards in Rule 18.
 - 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 judges conducting the voter intent review may resolve the intent differently than the judges in the election.

This means that blank votes and undervotes will show up as needing to be adjudicated, unlike during LAT/the election.

Timeline of Activities

November 30th (Today)

- Voting Systems Test

December 5th – 6th

- Seals on boxes to be verified
- Scan room begins scanning
 - Each tabulator will rescan the City of Boulder ballot batches from each ballot box.
 - Mixed batches will be scanned as together to ensure no ballot is missed
- Bi-partisan teams will review the recounted contest on each duplicated ballot
 - If the team resolves the intent differently, they will duplicate the ballot so the new adjudication decision will be scanned
- Bi-partisan teams will begin reviewing voting system adjudication (likely in the afternoon of 12/5)

Timeline of Activities (Con't)

December 6th/7th **Tentative**

- Recount Canvass board will be 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 and Answer



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

2023 Coordinated Election Canvass Board Meeting

**City of Boulder City Council Recount
December 6, 2023**

Agenda

- Duties of Canvass Board in a Recount
- Recount Summary
- Amended Summary of Votes
- Presentation Q & A
- Certification (poll members, certify abstract)

Duties of the Canvass Board - Recount

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.
- 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.

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

Colorado SOS Election Rules

Rule 10.11

The canvass board’s role in conducting a recount includes selecting ballots for the test, observing the recounting of ballots, and certifying the results.

Rule 10.14 – Canvass and reporting results for a recount

10.14.1

The Clerk must report the results of the recount as the combined total of votes for each race recounted. The total must include undervotes, blank votes, valid write-in votes, and overvotes for the race recounted.

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 City of Boulder City Council contest was ordered after Canvass certified results of the 2023 Coordinated Election on November 28, 2023
- The recount was conducted Nov 30 – Dec 6, 2023 with Canvass Board observing
- During the recount
 - 10,057 Undervoted ballots were adjudicated
 - 294 duplicated ballots were pulled, paired with their original ballots and re-adjudicated
- The total votes changed by 5, with no change to candidate order
- 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 or corrected vote (undervote)

Amended Summary of Votes

Original Summary of Votes

Contest Title	Choice Name	Active Voters	Total Ballots	Total Votes	Total Undervotes	Total Overvotes	Precinct Count
City of Boulder Council Candidates	Terri Brncic	68,812	34,249	14,365	23,345	68	60
City of Boulder Council Candidates	Jenny Robins	68,812	34,249	11,247	23,345	68	60
City of Boulder Council Candidates	Aaron Gabriel Neyer	68,812	34,249	3,484	23,345	68	60
City of Boulder Council Candidates	Jacques Decalo	68,812	34,249	3,329	23,345	68	60
City of Boulder Council Candidates	Silas Atkins	68,812	34,249	6,831	23,345	68	60
City of Boulder Council Candidates	Waylon Lewis	68,812	34,249	8,863	23,345	68	60
City of Boulder Council Candidates	Ryan Schuchard	68,812	34,249	14,412	23,345	68	60
City of Boulder Council Candidates	Tara Winer	68,812	34,249	21,255	23,345	68	60
City of Boulder Council Candidates	Tina Marquis	68,812	34,249	14,959	23,345	68	60
City of Boulder Council Candidates	Taishya Adams	68,812	34,249	14,634	23,345	68	60

Amended Summary of Votes

Contest Title	Choice Name	Active Voters	Total Ballots	Total Votes	Total Undervotes	Total Overvotes	Precinct Count
City of Boulder Council Candidates	Terri Brncic	68,812	34,249	14,365	23,354	67	60
City of Boulder Council Candidates	Jenny Robins	68,812	34,249	11,249	23,354	67	60
City of Boulder Council Candidates	Aaron Gabriel Neyer	68,812	34,249	3,483	23,354	67	60
City of Boulder Council Candidates	Jacques Decalo	68,812	34,249	3,329	23,354	67	60
City of Boulder Council Candidates	Silas Atkins	68,812	34,249	6,829	23,354	67	60
City of Boulder Council Candidates	Waylon Lewis	68,812	34,249	8,862	23,354	67	60
City of Boulder Council Candidates	Ryan Schuchard	68,812	34,249	14,411	23,354	67	60
City of Boulder Council Candidates	Tara Winer	68,812	34,249	21,255	23,354	67	60
City of Boulder Council Candidates	Tina Marquis	68,812	34,249	14,958	23,354	67	60
City of Boulder Council Candidates	Taishya Adams	68,812	34,249	14,633	23,354	67	60

Question and Answer



Duties of the Canvass Board – Recount

Rule 10.14 – Canvass and reporting results for a recount

10.14.1

The Clerk must report the results of the recount as the combined total of votes for each race recounted. The total must include undervotes, blank votes, valid write-in votes, and overvotes for the race recounted.

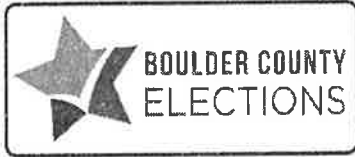
10.14.2

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.

To satisfy these requirements, the Amended Abstract includes:

- An Amended Statement and Summary of Votes

Thank you!



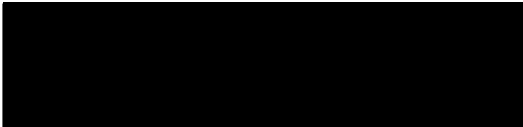
**Boulder County Certification of 2023 Coordinated Election City of Boulder City Council
Recount**

I, Sydney Power, the Boulder County Deputy Clerk and Recorder, do hereby certify the amended Official Abstract of Votes Cast attached herein for the 2023 Coordinated Election City of Boulder City Council Recount held in Boulder County November 30, 2023 through December 6, 2023.

We the undersigned Canvass Board for the the 2023 Coordinated Election City of Boulder City Council Recount, do hereby certify that:

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

Signed



Sydney Power, Boulder County Deputy Clerk and Recorder 12-6-23
Date

Theresa Watson, Republican Canvass Board Member 12-6-23
Date



Lynne McNamara, Democratic Canvass Board Member Dec. 6, 2023
Date