

# **2024 General Election Recount Kickoff**

**Mandatory: State Representative – District 19 & Superior Trustee**

**Requested: Town of Erie Town Council – District 1**

**December 2, 2024**

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## 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 12/2 – 12/4)
  - Scanners
    - Re-scanning the State Rep – District 19, Town of Superior, and Town of Erie Town Council District 1 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

A recount of any election contest shall be held if the difference between the highest number of votes cast in that election contest and the next highest number of votes cast in that election contest is less than or equal to one-half of one percent of the highest vote cast in that election contest. 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.

#### State Rep – District 19 – Vote for 1

- Dan Woog – 28,419
- Jillaire McMillian – 28,310
- **Difference of 109 votes or 0.384%**
- *Shared w/Weld County*

#### Superior Trustee – Vote for 3

- Heather Cracraft – 3,251 (3<sup>rd</sup> place)
- Sandie Hammerly – 3,238 (4<sup>th</sup> place)
- **Difference of 13 votes or 0.400%**

## **Recount Statute (Con't)**

### **Colorado Revised Statutes - Title 1**

#### **1-10.5-103 Recount for other offices, ballot issues, and ballot questions...**

...A political subdivision that referred a ballot issue or ballot question to the electors may waive the automatic recount provisions of this section if the ballot issue or ballot question fails by giving written notice to the county clerk and recorder within twenty-three days after any election.

**City of Boulder declined their recount in writing on November 18.**

#### **City of Boulder Ballot Question 2E**

- Yes – 21,419
- No – 21,556
- **Difference of 65 votes or 0.302%**

## Recount Statute (Con't)

### Colorado Revised Statutes - Title 1

#### 1-10.5-106 Request for recount by interested party – definition.

(1) As used in this section, "interested party" means the candidate who lost the election...

(2) Whenever a recount is not required an interested party may submit a notarized written request for a recount to be conducted in accordance with section 1-10.5-102 at the expense of the interested party making the request...

**Andrew Sawusch filed the notarized request (Nov. 25) and paid the estimated cost (Nov. 26).**

#### Town of Erie – Council Member District 1 – Vote for 2

- Anil Pesaramelli – 3,992
  - John Mortellaro – 2,654
  - Andrew Sawusch – 2,634
  - Richard Garcia – 2,189
- Difference of 20 votes or 0.754% between Mortellaro and Sawusch**

*Note: Town of Erie District 1 is entirely within HD19, and therefore the cost of this recount is far less than it would be if we were not already recounting HD19.*

## **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 2024 General 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 27, 2024**

- 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**

- For the mandatory recounts, two canvass board members of different affiliations must mark an additional 10 ballots each containing the recount contest.
- For the requested recount, the person or organization requesting the recount and any other candidate or organization involved in the recount may also mark 10 ballots.

### **Canvass Board/Candidate will mark these 50 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

### December 2 (Today)

- Voting Systems Test

### December 3 - 4

- Seals on boxes to be verified
- Scan room begins scanning
  - Each tabulator will rescan the 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 adjudication teams will begin reviewing voting system adjudication

## Timeline of Activities (Con't)

### December 4/5/6

- 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](mailto:vote@bouldercounty.gov)

# 2024 General Election Recount Canvass Board Meeting

**Mandatory: State Representative – District 19 & Superior Trustee**  
**Requested: Town of Erie Town Council District 1**  
**December 5, 2024**

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## 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

### State Representative – District 19

- Recount of the State Representative – District 19 contest was ordered by the Secretary of State’s office on November 27, 2024 after Boulder and Weld counties certified results of the 2024 General Election
- The recount was conducted Dec 2 – Dec 4, 2024 with Canvass Board observing
- The votes for each candidate did not change
- As such, canvass does not need to amend the abstract of votes for this contest and the canvass certification states
  - *The recount resulted in no changes to the vote counts originally reported in our certified results.*

# Summary of Votes – State Representative – District 19

## Original Summary of Votes

Contest Title	Choice Name	Precinct Count	Active Voters	Total Ballots	Total Votes	Total Undervotes	Total Overvotes
State Representative - District 19	Dan Woog	16	21,916	19,083	6,617	1,154	0
State Representative - District 19	Jillaire McMillan	16	21,916	19,083	11,312	1,154	0

## Recount Summary of Votes

Contest Title	Choice Name	Precinct Count	Active Voters	Total Ballots	Total Votes	Total Undervotes	Total Overvotes
State Representative - District 19	Dan Woog	16	21,916	19,083	6,617	1,154	0
State Representative - District 19	Jillaire McMillan	16	21,916	19,083	11,312	1,154	0

## Recount Summary

### Town of Superior Trustee & Town of Erie Town Council District 1

- The mandatory recount of the Town of Superior Trustee and the requested recount of the Town of Erie Town Council District 1 contests were ordered by the Boulder Clerk and Recorder on November 27, 2024 after Boulder certified results of the 2024 General Election
- The recount was conducted Dec 2 – Dec 4, 2024 with Canvass Board observing
- For the Town of Superior Trustee, the vote total did not change
  - Votes for Foster decreased by 1
  - Votes for Hammerly increased by 1
  - There was no change to candidate order or the outcome

## Recount Summary (Con't)

### Town of Superior Trustee & Town of Erie Town Council District 1

- For the Town of Erie Town Council District 1, the vote total decreased by 2
  - Votes for Sawusch decreased by 1
  - Votes for Garcia decreased by 1
  - There was no change to candidate order or the outcome
- Possible reasons for the change in results for these contests:
  - 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)
- As such, an amended abstract for these contests is presented today for certification

# Amended Summary of Votes – Town of Superior Trustee

## Original Summary of Votes

Contest Title	Choice Name	Precinct Count	Active Voters	Total Ballots	Total Votes	Total Undervotes	Total Overvotes
Town of Superior - Trustee	Heather Cracraft	7	9,628	8,254	3,251	8,246	33
Town of Superior - Trustee	Jason Serbu	7	9,628	8,254	3,419	8,246	33
Town of Superior - Trustee	Mike Foster	7	9,628	8,254	3,532	8,246	33
Town of Superior - Trustee	Gregory D. Horowitz	7	9,628	8,254	2,147	8,246	33
Town of Superior - Trustee	George A. Kupfner	7	9,628	8,254	830	8,246	33
Town of Superior - Trustee	Sandie Hammerly	7	9,628	8,254	3,238	8,246	33

## Amended Summary of Votes

Contest Title	Choice Name	Precinct Count	Active Voters	Total Ballots	Total Votes	Total Undervotes	Total Overvotes
Town of Superior - Trustee	Heather Cracraft	7	9,628	8,254	3,251	8,258	29
Town of Superior - Trustee	Jason Serbu	7	9,628	8,254	3,419	8,258	29
Town of Superior - Trustee	Mike Foster	7	9,628	8,254	3,531	8,258	29
Town of Superior - Trustee	Gregory D. Horowitz	7	9,628	8,254	2,147	8,258	29
Town of Superior - Trustee	George A. Kupfner	7	9,628	8,254	830	8,258	29
Town of Superior - Trustee	Sandie Hammerly	7	9,628	8,254	3,239	8,258	29

# Amended Summary of Votes – Town of Erie Town Council District 1

## Original Summary of Votes

Contest Title	Choice Name	Precinct Count	Active Voters	Total Ballots	Total Votes	Total Undervotes	Total Overvotes
Town of Erie - Council Member District 1	John Mortellaro	6	10,357	8,512	2,654	5,553	1
Town of Erie - Council Member District 1	Andrew Sawusch	6	10,357	8,512	2,634	5,553	1
Town of Erie - Council Member District 1	Anil Pesaramelli	6	10,357	8,512	3,992	5,553	1
Town of Erie - Council Member District 1	Richard Garcia	6	10,357	8,512	2,189	5,553	1

## Amended Summary of Votes

Contest Title	Choice Name	Precinct Count	Active Voters	Total Ballots	Total Votes	Total Undervotes	Total Overvotes
Town of Erie - Council Member District 1	John Mortellaro	6	10,357	8,512	2,654	5,553	2
Town of Erie - Council Member District 1	Andrew Sawusch	6	10,357	8,512	2,633	5,553	2
Town of Erie - Council Member District 1	Anil Pesaramelli	6	10,357	8,512	3,992	5,553	2
Town of Erie - Council Member District 1	Richard Garcia	6	10,357	8,512	2,188	5,553	2

# 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 for Town of Superior Trustee and Town of Erie Town Council District 1

**Thank you!**



## Boulder County Certification of 2024 General Election Recount of State Representative – District 19

We, the canvass board of Boulder County, Colorado conducted a recount of the State Representative – District 19 race in the 2024 General Election and do hereby certify:

- The recount resulted in no changes to the vote counts originally reported in our certified results.
- The recount resulted in a change to the previously certified results, and the amended results are attached.

### Signed

*Molly Fitzpatrick*

December 5, 2024

\_\_\_\_\_  
Molly Fitzpatrick, Boulder County Clerk and Recorder

\_\_\_\_\_  
Date

*David A. Brown*

December 5, 2024

\_\_\_\_\_  
David Brown, Republican Canvass Board Member

\_\_\_\_\_  
Date

*Hyon Lew*

December 5, 2024

\_\_\_\_\_  
Hyon Lew, Democratic Canvass Board Member

\_\_\_\_\_  
Date



**Boulder County Certification of 2024 General Election Recounts of:  
Town of Superior Trustee  
Town of Erie Town Council District 1**

We, the canvass board of Boulder County, Colorado conducted a recount of the State Representative – District 19 race in the 2024 General Election and do hereby certify:

- The recount resulted in no changes to the vote counts originally reported in our certified results.
- The recount resulted in a change to the previously certified results, and the amended results are attached.

**Signed**

*Molly Fitzpatrick*

\_\_\_\_\_  
Molly Fitzpatrick, Boulder County Clerk and Recorder

December 5, 2024

\_\_\_\_\_  
Date

*David A Brown*

\_\_\_\_\_  
David Brown, Republican Canvass Board Member

December 5, 2024

\_\_\_\_\_  
Date

*[Handwritten Signature]*

\_\_\_\_\_  
Hyon Lew, Democratic Canvass Board Member

December 5, 2024

\_\_\_\_\_  
Date