

U.S. ELECTION COMMISSION



Quick Start

MANAGEMENT GUIDE

CANVASSING AND CERTIFYING AN ELECTION

OCTOBER 2008



www.eac.gov

The Quick Start Management Guide on Canvassing and Certifying an Election is part of a series of brochures designed to highlight and summarize the information contained in the chapters of the U.S. Election Assistance Commission's (EAC) *Election Management Guidelines (EMG)*.¹ The goal of the EMG is to provide a collection of election management guidelines, consolidated into one document, to assist State and local election officials to effectively manage and administer elections. These guidelines are solely designed to serve as a source of information for election officials and not as requirements by which they must abide.

The content of the EMG and the Quick Start Management Guides has been developed in collaboration with State and local election officials and other election professionals who have first-hand experience managing elections. The EAC is grateful for their participation and ensuring the guidelines are practical and applicable for jurisdictions regardless of their size and resources. The EMG and the Quick Starts are available online at www.eac.gov.

¹ Recount procedures and mandatory manual tallies will be discussed in a separate Quick Start Management Guide. The EAC will also conduct a study under Section 241 (b)(13)(A) of the Help America Vote Act (HAVA) of 2002 that will study the laws and procedures used by each state that govern: recounts of ballots cast in elections for Federal office; contests of determinations regarding whether votes are counted in such elections; and standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office. A report on the results of this study will be made available on the EAC's Web site, www.eac.gov.

Introduction

Many people believe that the election results they see on television on election night are the final results, when, in fact, the outcome of the election is not official until the canvass² is completed, sometimes several weeks after Election Day. The purpose of the canvass is to account for every ballot cast and ensure that every valid vote cast is included in the election totals. This involves accounting for every absentee ballot, every early voting ballot, every ballot cast on Election Day, every provisional ballot, every challenged ballot, and every overseas and military ballot.

Laws and regulations for conducting the canvass vary by State and at times by local jurisdiction. These laws and regulations can specify who is responsible for the canvass, who must participate in the canvass, when the canvass can start, when the canvass must be completed, what information must be contained in the canvass, and which portions of the canvass process are open to the public. Following are recommendations to consider when conducting the canvass. These recommendations should be vetted with Federal, State, and local laws, regulations, and relevant case law to ensure they are properly and lawfully implemented. Election officials should contact their State officials when there is a question as to whether a practice is permitted or prohibited under State law.

2 2005 Voluntary Voting System Guidelines (VMSG) definition of canvass: compilation of election returns and validation of the outcome that forms the basis of the official results by political subdivision. (VMSG Version 1, Volume 1, A-6)

Planning for the Canvass

- Begin planning for the canvass well before the election. Distributing tasks and efforts throughout the election cycle will allow you time to focus on other tasks that will require significant time and resources prior to and on Election Day.
- Review State and local laws and regulations related to canvassing an election. This will provide you the legal and procedural framework for conducting the canvass. Do this well in advance of the election so it can be incorporated into training and educational materials.
- Develop a timeline; this will help you prioritize tasks and keep record of tasks that still need to be completed. Examples of what to include in the timeline are: dates for notices or legal publications, board appointments, observer identification, training dates for temporary staff/canvass board members/observers, and order for processing ballots. A typical processing order is: Election Day tallies, early voting tallies, absentee ballots, challenged ballots, overseas ballots and provisional ballots. However, this will vary in accordance with State laws and procedures.



- Identify and recruit canvass board(s) members, observers, staff, duplicating teams, etc. The composition and rules for participating in these boards and teams will vary by State and possibly by jurisdiction; make sure to be up-to-date with this information and share it with key stakeholders and the public.

Note: Depending upon State and local laws and regulations you may have several different boards involved in the canvass.

For example, a Duplication Board to approve ballots that must be duplicated and a Write-in Board to approve write-in ballots. In this document these boards are referred collectively as the “Canvass Board”.



- Observers: Prepare guidelines (rules of conduct/behavior) for observers. Clearly identify their rights as prescribed by State and/or local laws or regulations, and make these guidelines available at entrance points to the observation room and in any other areas where you make election information available to the public, such as your agency’s Website. For example, observer guidelines generally specify that observers must stay within specified “observer sites” and cannot

talk to board members or election officials except in special circumstances (e.g. to point out an error). Clearly state that you have the right to eject any observer that is loud or disruptive.

- Require observers to wear an identifying badge that contains their name and sponsoring organization, if applicable.

Note: Require representatives of organizations to wear a name badge identifying their organization. This will assist you in dealing with the observers if you can tell who is there as a member of the general public and who is representing an organization.

- If possible, provide a brief orientation to cover the guidelines and have the attendees sign in to document their presence.
- Notify the local TV stations, radio stations, and newspapers of the dates and times of canvass activities that are open for public review.
- Notify political parties, civic organizations, and advocacy groups of the dates and times of canvass activities that are being conducted and provide information for obtaining a pass.

Important: Unless restricted by State or local law or regulation, it is recommended that every canvass activity be open to the public.

Note: When your printed ballots are received you have your first statistic for the canvass: the number of printed ballots that must be accounted for.



Preparing for the Canvass

- Set up all processing areas and clearly mark “observer sites.”
- Collect and compile all of the materials and components that you will need to complete the canvass. Including:
 - Rosters, signature cards, etc. from all precincts, vote centers, and early voting locations
 - Electronic media and printouts from all precincts, vote centers, and early voting locations
 - Early and absentee/mail-in ballots
 - Provisional ballot
 - Challenged ballots
 - Qualified write-ins
 - Overseas and military ballots
 - Results of required election audits conducted after the election, where applicable
 - Any spoiled ballots

Conducting the Canvass

- Maintain a written report of every action taken during the canvass and those individuals present or responsible.
- During the canvass, a ballot may have to be duplicated for a variety of reasons depending on local statutes: it was not voted on an official ballot, the ballot is returned in a damaged condition, or has been marked by an unacceptable marking device.
- Clearly mark both the “original” and the “duplicate” ballots. Have two members of the Canvass Board review each duplicated ballot.
- For each precinct, compare the number of ballots cast with the number of voters recorded by the poll workers. How does this number compare to the number of voters who signed in the Signature Roster or whose name appear on the Poll List? Resolve any discrepancies.
- Document any precinct exceptions; this includes mismatches, overvotes, damaged ballots, and other voter errors.



- Conduct a similar accounting of the results from each vote center and early voting location.

Important: Present the reconciled results from the precincts, vote centers, and early voting locations to the Canvass Board for their review and approval.

- Reconcile the provisional and challenged ballots.
- If required under State law, send a written notification to voters whose provisional or challenged ballots are rejected and provide the reason for the rejection.³

Tip: If a provisional ballot is rejected because the voter is not registered, send the voter a registration card with the written notification. If you do not send written notification, you may also consider making an announcement on your free access system letting these voters know how they may register to voter.⁴

Note: The number of accepted and rejected provisional ballots, when added up, must be equal to the total number of provisional ballots cast; and the number of accepted and rejected challenged ballots, when added up, must be equal to the total number of

Important: Present the reconciled provisional and challenged ballots to the Canvass Board for their review and approval.

- Tally all valid write-in votes.
- Verify all military and overseas ballots.

³ Section 302(a)(5)(A) and (B) of the Help America Vote Act (HAVA) of 2002 requires that the appropriate State or local election official establish a free access system for provisional voters to use to learn whether their vote was counted, and, if it was not counted, the reason why it was not counted; it also requires that voters be provided written information regarding this free access system at the time they cast their provisional ballot.

⁴ See above.

- If any military or overseas ballot is rejected, notify the voter and provide the reason for the rejection.

Note: If a military or overseas ballot is rejected because the voter is not registered, include a registration card with this notification.

Important: Every ballot that is rejected should be reviewed by an election supervisor and made available to the Canvass Board for their review.

Documenting the Canvass

Documentation of the canvass consists of three components: certified returns, informational statistics, and a narrative.

- The certified returns are the tally of all of the valid ballots cast in the election. This is usually in the form of a report from the election management system.
- The informational statistics provide an overview of the election process. They tell how many ballots were cast (in person, mail in, provisional, challenged, etc.) how many were accepted and how many were rejected. These statistics provide information about how the election was conducted and how people voted.

Note: All rejected ballots should be presented to the Canvass Board for their review and approval.

- The narrative is the story of the canvass. It is a list of issues encountered and a discussion of the results of corrective actions.

Certifying the Election

- Present all of the canvass documentation; including certified returns, statistics, and narrative to the

Canvass Board for their review and approval.

- Invite the media to attend this meeting of the Canvass Board.
- Prepare detailed minutes of the meeting of the Canvass Board and make these minutes a part of the documentation package.
- Following the Canvass Board's certification of the election and if required by State law, provide each candidate with a notice of certification of the election.
- Retain copies of the canvass to make available for public review and consider posting an electronic version on your website for easy accessibility.



For information regarding this publication or to request additional copies at no cost, please contact:

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The EAC is an independent bipartisan commission created by the Help America Vote Act of 2002 (HAVA). It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration.

