

Recount Procedures



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Section 1. General applicability

(1) **General applicability.** This rule contains procedures for machine and manual recounts in any federal, statewide, multi-county, county, and municipal elections conducted using any county voting system. The rule also contains requirements for certification and use of an independent recount tabulation system for conducting recounts.

Section 2. Definitions

As used in this rule, the term:

(a) “Canvassing board” means the county canvassing board or the local board responsible for certifying the election results for the race undergoing a recount.

(b) “Hybrid ballot” means the output of a Voter Interface Device (VID) that contains the races titles and the voter’s choices, and may also contain, but is not limited to, a barcode or other machine-readable optical identifier containing the voter’s choices.

(c) “Hybrid voting system” means a voting system which has a Voter Interface Device (VID) that produces a hybrid ballot. The hybrid voting system tabulator is designed to read a traditional marksense ballot, and the hybrid ballot produced by the VID. When reading the hybrid ballot the tabulator may read the vote targets or selections from the human readable text, or from the machine-readable optical identifier on the paper output.

(d) “Independent recount tabulation system” means the certified automatic tabulating equipment which is completely independent from the voting system, for use in conducting recounts. The system cannot contain any hardware or software in common with any voting system certified for use in the State of Florida.

(e) “Outstack” refers to the act of segregating, sorting or setting aside ballots either manually, digitally, by a high-speed tabulator, or by other means.

(f) “Overvote” means that the elector marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question and the tabulator records no vote for the office or ballot question.

(g) “Overvote ballot” means a ballot with a recount race that has an overvote.

(h) “Paper ballot image” means an electronic record of the content of a marksense ballot cast by a voter and recorded by the voting device or independent recount tabulation system. The paper ballot image shall contain the image of the front and back of a ballot card. Each paper ballot image file name must have a unique identifier.

(i) “Race” means any contest for office judicial retention or issue (e.g., constitutional amendment, initiative, referendum, ballot question, or other public measure) on the ballot.

(j) “Representative” refers to a person designated pursuant to paragraph (j) of section 3.

(k) “Undervote” means that the elector does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question or that the elector designated fewer than the number of choices allowed for the office and the tabulator records those choices.

(l) "Undervote ballot" means a ballot with a recount race that has one or more undervotes.

(m) "Voting system tabulator" is a tabulator that is certified as part of a voting system in Florida.

(n) "Voter interface device" (VID) means any device that communicates voting instructions and ballot information to a voter and allows the voter to select candidates and issues. The VID produces a paper ballot containing the voter's selections. That paper ballot is then processed into a tabulator. A VID may be combined with a voting system tabulator.

Section 3. General provisions

The following provisions apply to both machine and manual recounts:

(a) Presence of canvassing board

1. All three members of the canvassing board shall be present for the determination or decision to resolve a discrepancy during a recount; otherwise, at least two members of the canvassing board shall be present during all times a recount is being conducted.
2. If a paper-based or digital-based automatic independent recount tabulation system is used during the recount and ballots are being tabulated on the system prior to the order of a recount, at least one member of the canvassing board shall be present at all times during the tabulation.
3. Any canvassing board determination or decision must be by majority vote.

(b) Security of ballots

1. The supervisor of elections shall ensure the security of the ballots at all times during a recount including recess and adjournment of the canvassing board.
2. The canvassing board may employ law enforcement to provide security for the ballots and to maintain order during the recount.

(c) Timeliness

All recounts conducted pursuant to this rule must be completed in such a manner as to provide the canvassing board sufficient time to comply with the provisions of section 102.112, F.S. After the completion of a recount, the results from the machine recount and manual recount shall be used to certify the second set of unofficial returns and official returns, respectively.

(d) Testing of tabulating equipment

The voting system's tabulating equipment or independent recount tabulation equipment being used in the recount must be tested pursuant to the provisions of section 101.5612, F.S., and each time the election parameters are changed during a recount. No further testing is required if the independent automatic tabulation equipment was tested pursuant to the provisions of section 101.5612, F.S. and the election parameters do not require a change to conduct the recount. The same test deck used for the election may be used for the recount. The canvassing board may, but is not required to, use the same tabulating equipment on which ballots were originally tabulated. If the test shows no error, the canvassing board shall proceed with the recount. If the test indicates an error, the canvassing board shall first correct the error, retest the equipment pursuant to section 101.5612, F.S., and then proceed with the recount.

(e) Open to public

All procedures relating to recounts shall be open to the public.

(f) Location

Recounts shall be conducted in a room large enough to accommodate, as applicable, the necessary number of counting teams, the canvassing board members and representatives of each candidate, political party or political committee who sponsored a constitutional initiative in the election being recounted which are entitled to have representatives. Members of the public, including the media, shall be allowed to observe the recount from an area designated by the canvassing board. The area may be outside of the actual recount area but must still allow the observers to view the activities.

(g) Recording and minutes

The canvassing board's activities in determining whether to count ballots or not shall be recorded by either audio or audio/video tape. In addition, the minutes of a manual recount shall be made. All tapes and minutes are public record.

(h) Recount order

1. A recount shall not begin until after the recount is ordered and notice has been provided as set forth in this section.
2. If the Secretary of State orders a machine or manual recount, the Division of Elections shall notify:
 - a. The supervisor of elections within each county where the recount will occur.
 - b. The candidates in the race that is the subject of the recount.
 - c. The chairperson of the state executive committee of a political party if the party has a candidate who is entitled to one or more representatives pursuant to paragraph (j) of this section.
 - d. The chairperson of the political committee in support of or in opposition to the ballot issue or judicial retention issue that is the subject of the recount.
 - e. The candidate or chairperson as specified in sub-subparagraphs b., c., and d., immediately above, informing them to contact the supervisor of elections in each county involved in the recount to find out the date, time, and location of the recount in that county.
3. If the canvassing board orders a machine or manual recount, the supervisor of elections or responsible officer of the municipality, as applicable, shall notify:
 - a. Each municipality that has a race subject to the recount.
 - b. The candidates in the race that is the subject of the recount.
 - c. The chairperson of the county executive committee of a political party if the party has a candidate who is entitled to one or more representatives pursuant to sub-subparagraph (j)1.b.
 - d. The chairperson of the political committee in support of or in opposition to the ballot issue or judicial retention issue that is the subject of the recount.

e. The candidate or chairperson as specified in sub-subparagraphs b., c., and d., immediately above, of the date, time, and location of the recount and whether he or she is entitled to one or more representatives at the recount pursuant to paragraph (j).

(i) Public notices

1. The canvassing board shall publish advance public notice of any recount immediately after the recount is ordered.

Alternatively, the notice may be published before a recount is ordered as a conditional notice stating that, if a recount is ordered, the recount will occur on a certain date, time, and location:-

a. The canvassing board shall give public notice, or conditional notice as described in this paragraph, at least 48 hours prior to the recount.

b. The canvassing board shall give public notice, or conditional notice as described in paragraph, at least 48 hours prior to ballots being processed through the independent recount tabulation equipment prior to a recount being ordered. A single public notice shall be acceptable if ballots will be processed through the independent recount tabulation equipment on a daily basis before a recount is ordered.

c. The canvassing board shall give public notice, or conditional notice as described in this paragraph, at least 48 hours prior to ballots being pre-sorted prior to a recount being ordered.

2. The notice shall be posted directly on the homepage of the county supervisor of elections' website or through a link to the notice on the supervisor's homepage.

3. The notice shall also be published in a newspaper of general circulation in the county or displayed in at least four conspicuous locations in the county including on the door of the public entrance to the building where the office of the supervisor of elections is housed. Any displayed notice must be accessible to the public 24 hours a day.

4. If the recount involves only a municipal election, the notice also shall be posted on the municipal clerk's website or through a link to the notice on the clerk's homepage, at the public entrance to the building where the city clerk's office is located, and in at least three other conspicuous locations in the municipality such as at a community center, public library, city park, and city hall.

(j) Representatives

1. The following persons or entities are entitled to have representatives present during a recount:

a. In a recount race, each candidate whose ultimate success or failure in the race could be adversely or favorably impacted by the recount is entitled to have:

(I) One representative for the county canvassing board.

(II) One additional representative per counting team during a manual recount.

b. In a partisan race that is the subject of a recount, each political party with a candidate whose ultimate success or failure in the race could be adversely or favorably impacted by the recount is entitled to have:

(I) One representative for the canvassing board.

(II) One additional representative per counting team during a manual recount.

c. In a recount race involving an issue or a judicial retention, any political committee that registered before an election in specific support of or opposition to the issue or a judicial retention is entitled to have:

i. One representative for the county canvassing board.

ii. One additional representative per counting team during a manual recount; however, if more than one registered committee supports or opposes an issue, only one representative per counting team is allowed for each side of a ballot issue, regardless of the number of committees in support of or in opposition to the ballot issue.

2. The persons or entities entitled to have representatives present during a recount must provide the names of their designated representatives in writing as soon as is practicable under the circumstances to the supervisor of elections or the municipal clerk, whichever is applicable, before the recount begins. Failure to provide the names of their representatives shall negate the opportunity of the persons or entity to have the representative present during the recount, except on the same conditions as a member of the public.

(k) Review of law and procedures

The canvassing board, the members of the counting teams, and the representatives entitled to be present shall jointly review the rules and statutes governing recount procedures. Before a manual recount begins, the review shall also include the rules and statutes as to what constitutes a clear indication that the voter has made a definite choice.

(l) Public order

Representatives and observers must not interfere with or disturb the recount in any way, except a representative may object to a counting team's decision during a manual recount as provided in this rule. The canvassing board may, by majority vote, have any person or persons removed from the premises by a law enforcement officer charged with maintaining order at the recount if such person or persons interfere or disturb the recount process and the situation cannot be corrected.

Section 4. Machine recount – voting system tabulator or physical-ballot based independent recount tabulation system

(a) Initial requirements.

1. Each canvassing board responsible for conducting a recount shall put each optical scan ballot through automatic tabulating equipment and determine whether the returns correctly reflect the votes cast. If any optical scan ballot has become physically damaged so that it cannot be properly counted in the recount by the automatic tabulating equipment, a true duplicate of the damaged ballot shall be made pursuant to sections 101.5614(5) and 102.141(7), F.S. If the independent recount tabulation equipment used in a recount is not part of the voting system and the ballots have already been processed through such equipment, the canvassing board is not required to put each ballot through any automatic tabulation equipment again pursuant to section 102.141(7)(a).

2. The following procedures shall apply to machine recounts:

a. Prior to the order of a recount, a county may pre-sort ballots that could be subject to a recount (e.g., specific page of a multi-page ballot).

b. At least one member of the canvassing board must be present during any pre-sorting of ballots.

(b) Optical scan ballots for recount when only one race is to be recounted

1. As detailed in paragraph (d) of section 3, the tabulating equipment being used in the recount must be tested pursuant to the provisions of section 101.5612, F.S., and the election parameters changed so that all the ballots for the recounted race can be tabulated and all the ballots containing overvotes and undervotes in the recounted race can be outstacked from the other ballots and counted.

2. In the case of a race to be recounted in which a voter may properly vote for more than one candidate, overvotes and undervotes must be outstacked. Once outstacking is complete, the ballots outstacked for undervotes must then be tabulated by overriding the rejection such that valid votes can be included in the tabulation. All outstacked ballots must remain segregated in case a manual recount becomes necessary, and in a way that outstacked undervotes that have been counted as valid votes are not again counted in the manual recount vote tally.

3. The canvassing board or its representatives shall then put each ballot through the tabulating equipment and determine the votes in the recounted race. For purposes of tabulating, the ballot is the page on which the race to be recounted appears. During this process, the ballot pages with the overvotes and undervotes in the recounted race must be outstacked.

4. The outstacked ballots shall be placed in a sealed container or containers until it is determined whether a manual recount will need to be conducted. Seal numbers shall be recorded at the time the ballots are placed in the containers.

5. If the percentage threshold for a manual recount in section 102.166, F.S. is met, the canvassing board shall determine the total combined number of overvote and undervote ballots. If the race is a statewide or multicounty race, each canvassing board shall notify the Secretary of State of the total combined number of overvote and undervote ballots in the county for the affected race.

(c) Optical scan ballots for recount when more than one race is to be recounted and the voting system can outstack the overvotes and undervotes in more than one race at the same time

1. For purposes of tabulating, the ballot is the page on which the race or races to be recounted appears.

2. The tabulating equipment being used in the recount must be tested pursuant to the provisions of section 101.5612, F.S., and the election parameters changed so that all the ballots for the recounted races can be tabulated and all the ballots containing overvotes and undervotes in the recounted races can be outstacked from the other ballots and counted. All outstacked ballots must remain segregated in case a manual recount becomes necessary.

3. If capable, the tabulator shall count all valid votes in the recounted races, and outstack undervoted and overvoted ballots in a single pass.

4. If the tabulator is not capable of both counting all valid votes and outstacking undervoted and overvoted ballots in a single pass, then a two-pass process shall be used. The first pass shall outstack ballots with undervotes and overvotes in the recounted races, while counting all votes in the recounted races on all the other ballots. The second pass shall count all the valid votes on the ballots that were outstacked in the first pass.

5. In the case of a race to be recounted in which a voter may properly vote for more than one candidate, overvotes and

undervotes must be outstacked. Once outstacking is complete, the ballots outstacked for undervotes must then be tabulated by overriding the rejection such that valid votes can be included in the tabulation. All outstacked ballots must remain segregated in the event that a manual recount becomes necessary, and in a way that outstacked undervotes that have been counted as valid votes are not again counted in the manual recount vote tally.

6. The outstacked ballots shall be placed in a sealed container or containers until it is determined whether a manual recount will need to be conducted. Seal numbers shall be recorded at the time the ballots are placed in the containers.

7. If the percentage threshold for a manual recount in Section 102.166, F.S. is met, the canvassing board shall determine the total combined number of overvote and undervote ballots. If the race is a statewide or multicounty race, each canvassing board shall notify the Secretary of State of the total combined number of overvote and undervote ballots in the county for the affected race.

(d) Machine recount of hybrid voting system's paper outputs

The procedures for a machine recount of the paper output from a hybrid voting system are identical to those as specified in paragraphs (b) and (c) of this subsection above, as applicable.

Section 5. Machine recount – digitally based independent recount tabulation system

If the independent recount tabulation system is being used to physically sort overvoted and undervoted ballot cards containing the races to be recounted, then the procedures for a machine recount are the same as recounts conducted using the voting system pursuant to section 4. If the independent recount tabulation system is being used to digitally sort overvoted and undervoted ballots, the following procedures shall apply:

(a) Initial requirements

If the ballots have already been processed in an independent recount tabulation system used in this recount, the canvassing board is not required to put each ballot through any automatic tabulating equipment again. If any optical scan ballot cannot be properly counted in the recount by the independent recount tabulation equipment, a true duplicate of the damaged ballot shall be made pursuant to sections 101.5614(5) and 102.141(7), F.S. The duplicate ballot shall then be tabulated in place of the original unreadable ballot.

(b) Optical scan ballots when only one race is to be recounted

1. The supervisor of elections shall change the parameters if necessary so that all the ballots for the recounted race can be tabulated and all the ballots containing overvotes and undervotes in the recounted race can be outstacked from the other ballots and counted.

2. In the case of a race to be recounted in which a voter may properly vote for more than one candidate, overvotes and undervotes must be outstacked. If the independent recount tabulation system is unable to record valid votes on such a ballot, once the outstacking is complete, the ballots outstacked for undervotes must then be tabulated by overriding the rejection such that valid votes can be included in the tabulation. All ballots must remain segregated in case a manual recount becomes necessary, and in a way that outstacked undervotes that have been counted as valid votes are not again counted in the manual recount vote tally.

3. The canvassing board or its representatives shall then put each ballot through the independent recount tabulation system equipment and determine the votes in the recounted race. For purposes of tabulating, the ballot is the page on which the race to be recounted appears. During this process, the ballot pages with the overvotes and undervotes in the recounted race must be outstacked.

4. If the percentage threshold for a manual recount in section 102.166, F.S., is met, the canvassing board shall determine the total combined number of overvote and undervote ballots. If the race is a statewide or multicounty race, each canvassing board shall notify the Secretary of State of the total combined number of overvote and undervote ballots in the county for the affected race.

(c) Optical scan ballots for recount when more than one race is to be recounted and the voting system can outstack the overvotes and undervotes in more than one race at the same time

1. If necessary, the supervisor of elections shall change the parameters so that all the ballots for the recounted races can be tabulated and all the ballots containing overvotes and undervotes in the recounted races can be outstacked from the other ballots and counted.

2. In the case of a race to be recounted in which a voter may properly vote for more than one candidate, overvotes and undervotes must be outstacked. If the independent recount tabulation system is unable to record valid votes on such a ballot, once outstacking is complete, the ballots outstacked for undervotes must then be tabulated by overriding the rejection such that valid votes can be included in the tabulation. All outstacked ballots must remain segregated in case a manual recount becomes necessary, and in a way that outstacked undervotes that have been counted as valid votes are not again counted in the manual recount vote tally.

3. The canvassing board or its representatives shall then put each ballot through the tabulating equipment and determine the votes in the recounted race or races. For purposes of tabulating, the ballot is the page on which the race or races to be recounted appears. During this process, the ballot pages with the overvotes and undervotes in the recounted race or races should be segregated.

4. If the percentage threshold for a manual recount in section 102.166, F.S. is met, the canvassing board shall determine the total combined number of overvote and undervote ballots. If the race is a statewide or multicounty race, each canvassing board shall notify the Secretary of State of the total combined number of overvote and undervote ballots in the county for the affected race.

(d) Machine recounts of hybrid voting system's paper outputs

The procedures for a machine recount of the paper output from a hybrid voting system are identical to those as specified in paragraph (b) and (c) above, as applicable.

Section 6. Manual recount- Physical ballots.

A manual recount consist of a recount of marksense ballots by a person. In addition to the requirements in section 3, the following procedures apply to a manual recount:

(a) Ballot review

Only the overvotes and undervotes from the machine recount shall be reviewed. Per section 102.166(5)(b), F.S. only the outstacked duplicate ballots shall be compared with the original ballot to ensure correctness of the duplicate.

(b) Outstacking of overvotes and undervotes

All overvoted and undervoted ballots outstacked for a recounted race or races during the machine recount shall be transported to the location of the manual recount by two members of the canvassing board and if a county chooses, a sworn law enforcement officer.

(c) Optical scan ballot manual recount when the ballots were outstacked for only one race during the machine recount.

1. The seal numbers on the containers shall be announced as they are broken and compared to the numbers previously recorded.

2. Each counting team as designated by section 102.166(5), F.S., shall review the outstacked ballots to determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law or adopted by rule as mandated in sections 102.166(4) and 101.6952(2), F.S.

3. Each counting team shall sort the ballots into the following stacks:

a. Votes for which the team determines the voter made a definite choice for each candidate or issue.

b. Ballots for which the team determines there is no clear indication that the voter made a definite choice for an office or issue; and,

c. Ballots to be set aside for the canvassing board's determination because the team is unable to make such determination or a representative objects to the team's determination:

(I) If a ballot is set aside because the team is unable to determine that there is a clear indication that the voter has made a definite choice or because a representative objected to the counting team's decision, the ballot must be placed in one or more containers (e.g., envelopes, folders, tubs, bins, baskets, etc.) designated for indeterminate ballots or ballots for which there is an objection.

(II). The designated container may each contain one or more ballots at the canvassing board's discretion; however, if not already located on the ballot itself, the container or a separate paper for each ballot therein must include the precinct number. In addition, if the ballot is placed in the container because there was an objection to the counting team's determination, the container or separate paper for each such ballot therein must include the basis for the objection and the name and representative capacity of the person objecting.

4. The canvassing board shall review each ballot set aside by a counting team and shall determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law or adopted by rule as mandated in sections 102.166(4) and 101.6952(2), F.S.

5. The records of the manual recount shall detail the number of votes each candidate or issue choice received and the number

of ballots not allocated to any candidate or issue choice.

6. The canvassing board shall review the outstacked ballots for which a determination of a voter's choice could not be made. Based on that review, the board shall notify the Division of Elections to determine if the standards for determining a voter's choice as set forth in law or adopted by rule as mandated in sections 102.166(4) and 101.6952(2), F.S., should be revised to better determine the voter's choice on those outstacked ballots. The notification shall occur at the same time the canvassing board files the report on the conduct of the election pursuant to section 102.141(9), F.S.

(d) Optical scan ballot manual recount for when the ballots for more than one race were outstacked during the machine recount.

1. The election parameters shall be changed so that only the overvoted and the undervoted ballots for one recounted race will be outstacked.

2. The seal numbers on the containers of all ballots previously outstacked pursuant to paragraph (c) of section 4, shall be announced as they are broken and compared to the numbers previously recorded.

3. The tabulating equipment being used for the recount shall be tested as stated in paragraph (d) of section 3.

4. All ballots previously outstacked pursuant to paragraph (c) of section(4) or not outstacked pursuant to paragraph (d) of section 4, shall be put back through the tabulating equipment to outstack the ballots for the first manually recounted race.

5. Each counting team shall review the outstacked ballots to determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law or adopted by rule as mandated in sections 102.166(4) and 101.6952(2), F.S.

6. Each counting team shall sort the ballots into the following stacks:

a. Votes for which the team determines the voter made a definite choice for each candidate or ballot issue;

b. Ballots which the counting team determines there is no clear indication that the voter made a definite choice for an office or ballot question; and,

c. Ballots to be set aside for the canvassing board's determination because the team is unable to make such determination or a representative objects to the team's determination.

(I) If a ballot is set aside because the team is unable to determine that there is a clear indication that the voter has made a definite choice or because a representative objected to the counting team's decision, the ballot must be placed in one or more containers (e.g., envelopes, folders, tubs, bins, baskets, etc.) designated for indeterminate ballots or ballots for which there is an objection.

(II) The designated container may each contain one or more ballots at the canvassing board's discretion; however, if not already located on the ballot itself, the container or a separate paper for each ballot therein must include the precinct number. In addition, if the ballot is placed in the container because there was an objection to the counting team's determination, the container or separate paper for each such ballot therein must include the basis for the objection and the name and representative capacity of the person objecting.

7. The canvassing board shall review each ballot set aside by a counting team and shall determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law or adopted by rule as mandated in sections 102.166(4) and 101.6952(2), F.S.

8. The records of the manual recount shall detail the number of votes each candidate or issue choice received and the number of ballots not allocated to any candidate or issue choice.

9. If there is another race to be manually recounted, following the first manual recount:

a. The canvassing board or its representatives shall ensure that each ballot from the first manual recount can be manually recounted for additional races, as necessary.

b. The outstacked ballots from the first manually recounted race will be combined with the other outstacked ballots.

c. The election parameters shall be changed to outstack the overvoted and the undervoted ballots for the next manually recounted race.

d. All previously outstacked ballots shall be put back through the tabulating equipment to sort the ballots for the next manually recounted race.

e. The procedures set forth in subparagraphs (d)4.-9., above, shall be repeated for each subsequent race subject to a manual recount.

10. The canvassing board shall review the outstacked ballots for which a determination of a voter's choice could not be made. Based on that review, the board shall notify the Division of Elections to determine if the standards for determining a voter's choice as set forth in law or adopted by rule as mandated in sections 102.166(4) and 101.6952(2), F.S., should be revised to better determine the voter's choice on those outstacked ballots for future elections. The notice shall be provided at the same times as the board files the conduct of election report pursuant to section 102.141(9), F.S.

(e) **Manual recount of hybrid voting system's paper outputs.** The procedures for a manual recount of the paper output from a hybrid voting system are identical to those specified in paragraphs (b), (c) and (d), above, as applicable. If the hybrid voting system's paper output is identical to the optical scan ballot mentioned in this paragraph, the paper output may be treated as an optical scan ballot for the recount. An electronic or electromechanical reading device may not be used to review a hybrid voting system ballot, unless the printed text is illegible as mandated in section 102.166(4)(b), F.S.

Section 7. Manual recount – Digital images of ballots

A manual recount consists of a recount of digital images by a person. In addition to the requirements in section 4, the following procedures apply to a manual recount of digital images:

(a) Ballot review

Only the overvotes and undervotes from the machine recount shall be reviewed.

1. For any digital image of a ballot subject to a manual recount, the supervisor of elections must be able to retrieve the corresponding physical ballot during the manual recount. The physical ballot must be made available to the canvassing board and

counting team, if requested by the canvassing board.

2. In situations when voter intent is unclear, the counting team or canvassing board shall review as much of the digital image of the entire ballot as is possible, but no less than, the entire ballot card on which the overvote or undervote occurs.

3. The counting teams and canvassing board shall be provided with a clear view of the ballot images during the manual recount.

4. Per section 102.166(5)(b), F.S., only the outstacked duplicate ballots shall be compared with the original ballot to ensure correctness of the duplicate.

(b) Outstacking of overvotes and undervotes

1. All digital images of overvoted and undervoted ballots outstacked for a recounted race or races during the machine recount shall be made available to the counting teams and canvassing board.

2. All physical ballots requested by the canvassing board shall be transported to the location of the manual recount by two members of the canvassing board and, if a county chooses, a sworn law enforcement officer.

(c) Optical scan ballot manual recount when the ballots were outstacked for only one race during the machine recount

1. If a physical ballot is required by the counting team or canvassing board, the seal numbers on the containers shall be announced as they are broken and compared to the numbers previously recorded.

2. Each counting team as designated by section 102.166(5), F.S., shall review the ballots to determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law or adopted by rule as mandated in sections 102.166(4) and 101.6952(2), F.S.

3. Each counting team shall digitally segregate the ballot images into the following categories:

a. Votes for which the team determines the voter made a definite choice for each candidate or issue.

b. Ballots which the counting team determines there is no clear indication that the voter made a definite choice for an office or ballot question,

c. Ballots to be segregated for the canvassing board's determination because the team is unable to make such determination or a representative objects to the team's determination.

(I) If a ballot is segregated because the team is unable to determine that there is a clear indication that the voter has made a definite choice or because a representative objected to the counting team's decision, the ballot must be designated as indeterminate or a ballot for which there is an objection.

(II) If not already located on the ballot itself, each ballot must include the precinct number. In addition, if a ballot is to be sent to the canvassing board because there was an objection to the counting team's determination, the ballot must include the basis for the objection and the name and representative capacity of the person objecting.

4. The counting team shall count and record the votes from each candidate or issue.

5. If the independent recount tabulation system is unable to automatically keep a record of the determination for each ballot, then the counting team shall create a digital log entry or notation corresponding to the categories below which contains each ballot image's unique identifier and the counting team's determination.

6. The canvassing board shall review each ballot set segregated by a counting team and shall determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law or adopted by rule as mandated in sections 102.166(4) and 101.6952(2), F.S.

7. The records of the manual recount shall detail the number of votes each candidate or issue choice received and the number of ballots not allocated to any candidate or issue choice.

8. The canvassing board shall review the outstacked ballots for which a determination of a voter's choice could not be made. Based on that review, the board shall notify the Division of Elections to determine if the standards for determining a voter's choice as set forth in law or adopted by rule as mandated in sections 102.166(4) and 101.6952(2), F.S., should be revised to better determine the voter's choice on those outstacked ballots. The notification shall occur at the same time the canvassing board files the report on the conduct of the election pursuant to section 102.141(9), F.S.

(d) Optical scan ballot manual recount for when the ballots for more than one race were outstacked during the machine recount

1. Only the overvoted and undervoted ballots for one recounted race will be reviewed at a time.

2. If a physical ballot is required by the counting team or canvassing board, the seal numbers on the containers shall be announced as they are broken and compared to the numbers previously recorded.

3. All ballot images previously outstacked pursuant to paragraph (c) of section 5 shall be prepared for the first manually recounted race.

4. Each counting team shall review the ballots to determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law or adopted by rule as mandated in sections 102.166(4) and 101.6952(2), F.S.

5. Each counting team shall digitally segregate the ballot images into the following categories:

a. Votes for which the team determines the voter made a definite choice for each candidate or issue.

b. Ballots which the counting team determines there is no clear indication that the voter made a definite choice for an office or issue.

c. Ballots to be segregated for the canvassing board's determination because the team is unable to make such determination or a representative objects to the team's determination.

(I) If a ballot is segregated because the team is unable to determine that there is a clear indication that the voter has made a definite choice or because a representative objected to the counting team's decision, the ballot must be designated as indeterminate or a ballot for which there is an objection, whichever is applicable.

(II) If not already located on the ballot itself, each ballot must include the precinct number. In addition, if the ballot is to be sent

to the canvassing board because there was an objection to the counting team's determination, each such ballot must include the basis for the objection and the name and representative capacity of the person objecting.

6. If the independent recount tabulation system is unable to automatically keep a record of the decision for each ballot, then the counting team shall create a digital log entry or notation corresponding to the categories corresponding to the stacks below which contains each ballot image's unique identifier and the counting team's determination.

7. The counting team shall then count and record the votes from each candidate or issue.

8. The canvassing board shall review each ballot set aside by a counting team and shall determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law or adopted by rule as mandated in sections 102.166(4), and 101.6952(2), F.S.

9. The records of the manual recount shall detail the number of votes each candidate or issue choice received and the number of ballots not allocated to any candidate or issue choice.

10. If there is another race to be manually recounted, following the first manual recount:

a. The canvassing board or its representatives shall ensure that each ballot from the first manual recount can be manually recounted for additional races, as necessary.

b. The outstacked ballots from the first manually recounted race will be combined with the other outstacked ballots.

c. The ballot images of the outstacked overvoted and undervoted ballots for the next manually recounted race shall be prepared.

d. The procedures set forth in subparagraphs (d)4.-9., above, shall be repeated for each subsequent race subject to a manual recount.

11. The canvassing board shall review the outstacked ballots for which a determination of a voter's choice could not be made. Based on that review, the board shall notify the Division of Elections to determine if the standards for determining a voter's choice as set forth in law or adopted by rule as mandated in sections 102.166(4) and 101.6952(2), F.S., should be revised to better determine the voter's choice on those outstacked ballots. The notification shall occur at the same time the canvassing board files the report on the conduct of the election pursuant to section 102.141(9), F.S.

(e) Manual recount of hybrid voting system's paper outputs

The procedures for a manual recount of the paper output from a hybrid voting system are identical to those specified in paragraphs (b), (c) and (d), above, as applicable. If the hybrid voting system's paper output is identical to the optical scan ballot mentioned in this paragraph, the paper output may be treated as an optical scan ballot for the recount. If the digital image of a hybrid voting system ballot captured by the independent recount tabulation system is unclear and the physical ballot must be viewed, an electronic or electromechanical reading device may not be used to review a hybrid voting system ballot, unless the printed text is illegible as mandated in section 102.166(4)(b), F.S.

Section 8. Recount results

Results and reports for machine and manual recounts must only contain or display information for those races being recounted.

Section 9. Unexpected circumstances

If issues or circumstances arise involving a recount or its procedures which neither this rule nor any other law or rule covers, the canvassing board will decide the issue by a majority vote.

DRAFT 11/10/2021