

Sec. 9-242a-28. Recanvass

If a recanvass is required by law in a municipality which uses marksense voting tabulators, the head moderator shall summon the recanvass officials consisting of at least two checkers, two ballot clerks and two absentee ballot counters of opposing political parties, the registrars of voters, and the municipal clerk. The registrars of voters shall be required to bring with them the sealed tabulators, the sealed ballot transfer cases, replacement seals, sufficient ballot boxes, new memory cards for each voting district, test ballots prepared in the manner prescribed by the Secretary of the State, and the other materials required by law. The recanvass officials shall, in the presence of the moderator, make a record of the number on the seals on the tabulator and ballot transfer case. The recanvass officials shall break the seal on the tabulator, remove the memory card and place it in a storage container approved by the Secretary of the State. The new memory card shall be installed in the tabulator, the tabulator shall be installed on an empty ballot box, the test ballots shall be test voted in the manner prescribed by the Secretary of the State and a record shall be made. When the tabulator prints the election zero report, the report shall be signed by the moderator and registrars and left attached to the tape in the tabulator. The recanvass officials shall break the seal of the ballot transfer case and begin the recount required by law for that voting district. Two recanvass officials of opposing political parties shall (1) open the depository envelope containing the ballots from the auxiliary bin, hand count the votes for the offices and questions subject to recanvass, record them on the tally sheets and reseal them in a labeled depository envelope, (2) open the depository envelopes containing the absentee ballots which were handcounted on election day, hand count the votes for the offices and questions subject to recanvass, record them on the tally sheets and reseal them in labeled depository envelopes, and (3) open the depository envelope containing the ballots from the write-in bin, count by tabulator and by hand the votes for the offices and questions subject to recanvass in the manner prescribed by the Secretary of the State, record them on the tally sheets and reseal them in a labeled depository envelope. The recanvass officials of opposing political parties shall examine all ballots which were tabulator counted on election day to determine whether the markings for the office being recanvassed are sufficiently clear to be read by the tabulator. If two recanvass officials of opposing political parties agree that such ballots are sufficiently clear to be read by the tabulator, such ballots shall be processed through the tabulator. For each voting district, the recanvass officials shall print and sign two elections results reports, announce the tabulator results for the offices and questions subject to recanvass, post one copy of the report and attach the other copy of the report to the moderator's return. All other ballots which were counted by tabulator on election day shall be counted by hand by recanvass officials of opposing political parties, recorded on the tally sheets and sealed in labeled depository envelopes. The recanvass officials shall complete the moderator's returns for each office and question subject to recanvass and announce the results. All ballots shall be placed in the ballot transfer case which shall be sealed with a new seal, and the seal number recorded on the moderator's return. The memory card shall be sealed in the tabulator and the seal number recorded on the moderator's return. The memory card which has been removed from the tabulator shall be sealed in a storage container in the manner prescribed by the Secretary of the State and the seal number recorded on the moderator's return. The moderator shall return the keys,

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the tabulator, and the ballot transfer case to the registrars of voters and the polling place moderator's returns with elections results reports attached, and other election materials to the municipal clerk. The moderator shall also prepare the head moderator's return in duplicate as prescribed by law and file one with the municipal clerk and one with the Secretary of the State. The tabulator and memory card storage container shall be sealed for the period of time prescribed for sealing voting machines. The recanvass may be conducted in such other manner as may be prescribed by the Secretary of the State.

(Adopted effective October 1, 1999; Amended March 27, 2008)