

STATE RECOUNT COMMISSION

ORDER 2026-2

ADOPTION OF AMENDMENTS TO RECOUNT GUIDELINES

WHEREAS, Indiana Code 3-12-10-5 permits the State Recount Commission to regulate the course of its hearings and other proceedings;

WHEREAS, the State Recount Commission has previously adopted “Guidelines for Conduct of an Election Recount and Contest”, with the Commission last amending these Guidelines on July 7, 2024;

WHEREAS, it is desirable to further amend these Guidelines to better reflect current Indiana law by adopting a revised State Board of Accounts manual for recounts;

NOW, THEREFORE, IT IS ORDERED BY THE STATE RECOUNT COMMISSION:

SECTION 1. The following chapters in the Guidelines for Conduct of an Election Recount are amended as found in ATTACHMENT 1:

Chapter 1; Chapter 2; Chapter 3; Chapter 4; Chapter 5; Chapter 6; and Chapter 7

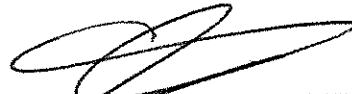
The May 15, 2026 edition of the Agency’s Guidelines for Conduct of Recounts for the State Recount Commission is incorporated by reference into this Order.

SECTION 2. The following chapters are added to the Guidelines for Conduct of an Election Recount as found in ATTACHMENT 1:

Chapter 8; and Chapter 9

SECTION 3. This Order takes effect immediately.

ADOPTED, THIS THE 15 DAY OF MAY 2026:



Diego Morales, Chair
State Recount Commission



Paul Mullin, Member



Michael A. Claytor, Member

ATTACHMENT 1

INDIANA STATE RECOUNT COMMISSION

**Guidelines for Conduct of an
Election Recount and Contest**

As Amended, August _____, May 15 _____, 2026

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Chapter 1. Definitions

Sec. 1. (a) "Candidate" refers to a candidate for nomination or election to an office for which a recount or contest petition has been filed.

(b) If a candidate who is entitled to file a recount or contest petition does not do so in accordance with IC 3-12-11, a ~~state chairman~~State Chairman or ~~county chairman~~County Chairman who files a recount petition under IC 3-12-11, has the rights and responsibilities of a "candidate" under these guidelines.

Sec. 2. "Commission" refers to the ~~state recount commission~~State Recount Commission established by IC 3-12-10-1.

Sec. 3. "Cross-petitioner" includes a candidate who was opposed in the primary or election by the petitioner, whether ~~or not~~ the candidate chose to file a cross-petition with the ~~commission~~Commission under IC 3-12.

Sec. 4. "Disputed ballot" refers to a ballot challenged by a party to a recount or to a ballot that the ~~state board~~State Board of accountsAccounts determines does not conform with these guidelines or IC 3-12.

Sec. 5. "~~No votes~~Undervotes" refers to ballots subjected to the recount which:

- (1) do not indicate a vote cast for any candidate subject to the recount; and
- (2) are otherwise classified as either "valid" or "invalid" under these guidelines or IC 3-12.

Sec. 6. "Precinct tally sheet" refers to the written record used by the ~~state board~~State Board of accountsAccounts to record the precinct vote tally and other evidence concerning the voting process in a precinct.

Sec. 7. "Recount" means the determination by the ~~state recount commission~~ State Recount Commission of the number of valid votes received by each candidate for the office subject to a recount.

Sec. 8. "Tally" means the counting by the ~~state board~~ State Board of accounts Accounts of votes cast for each candidate in each of the following categories: undisputed valid, undisputed invalid, or disputed.

Sec. 9. All other terms used in these guidelines have the meaning set forth in IC 3-5. _____

Chapter 2. Conduct of Election Recounts and Contests Generally

Sec. 1. The ~~state recount commission~~State Recount Commission shall conduct all recounts and contests under identical procedures to the extent reasonably possible.

Sec. 2. The ~~commission~~Commission makes the final decision as to whether a disputed ballot will be counted.

Sec. 3. (a) All tallying shall be physically performed by the ~~state board~~State Board of ~~accounts~~Accounts in accordance with these guidelines.

(b) The ~~state board~~State Board of ~~accounts~~Accounts staff manual for recounts (*Agency Manual for Conduct of Recount for the State Recount Commission, August 7, 2024* ~~_____~~ May 11, 2026 edition) is approved for use in recounts conducted by the ~~commission~~Commission. If any conflict exists between this manual and these guidelines, the guidelines control to the extent of that conflict.

(c) Whenever the Manual prescribes the use of a form in the recount process, that form may be modified by the ~~state board~~State Board of ~~accounts~~Accounts to the extent required to permit the use of an electronic version of the form. A form prescribed by the Manual may also be customized by the ~~state board~~State Board of ~~accounts~~Accounts for use in a specific county.

(d) The ~~commission~~Commission shall conduct the recount at times and locations designated by it, but all tallying of votes shall be conducted within the county where the votes were cast unless the parties consent to a change of location.

Sec. 4. The ~~commission~~Commission shall appoint a ~~director~~Recount Director who is responsible for supervising the conduct of the tally by the ~~state board~~State Board of ~~accounts~~Accounts. The ~~state board~~State Board of ~~accounts~~Accounts shall prepare for the ~~director~~Recount Director a report on the tally by the ~~state board~~State Board of ~~accounts~~Accounts. The ~~director~~Recount Director shall present the report to the ~~commission~~Commission to enable the ~~commission~~Commission to make final decisions in a fair and prompt manner.

Sec. 5. (a) The ~~commission~~Commission may order the ~~state board~~State Board of ~~accounts~~Accounts to provide on-site assistance to the Indiana ~~state police~~State Police during the impoundment process. The Indiana ~~election division~~Election Division shall provide the following documents concerning the election for which the recount is to be conducted to the ~~state board~~State Board of ~~accounts~~Accounts before the tallying begins:

(1) A copy of each certification of public test of a voting system (Forms IEC-9 and IEC-10) and any security protocol resolution adopted by the county under IC 3-11-15-46(b) and filed with the ~~election division~~Election Division by a county in which the recount is to be conducted.

(2) A copy of the certified precinct election results and county summary of election results filed with the ~~election division~~Election Division by each county in which the recount is to be conducted.

(b) The commission shall order that a pre-recount inspection of impounded election material be conducted by the ~~director~~Recount Director. This inspection:

(1) must be conducted under the supervision of the ~~state board~~State Board of

~~accounts~~Accounts and the ~~Indiana state police~~State Police at all times; and

(2) is designed to enable the parties to narrow the issues and material subject to dispute in the recount so that the recount may be conducted efficiently.

The ~~director~~Recount Director shall attend this inspection, determine the counties in which the inspection will be conducted, and is authorized to resolve any dispute regarding its scope and procedures. The attorneys representing the parties and representatives of a voting system vendor or electronic poll book vendor used in the county at the election and designated by the county are authorized to attend the pre-recount inspection.

(c) The ~~director~~Recount Director may authorize at least two (2) staff members of the ~~state-board~~State Board of ~~accounts~~Accounts staff to visit a location within the ~~district~~District where impounded material is located to perform advance work at that location as deemed appropriate by the ~~director~~Recount Director, for the purpose of organizing, sorting, or otherwise preparing election materials for tallying. This advance work must be performed under the supervision of the ~~Indiana state police~~State Police, and may be observed by the candidates, by the candidates' authorized manager or observer, or both. The audit team conducting the advance work need not delay their work because of the absence of a candidate or a candidate's manager or observer.

(d) When the recount begins, all tallying must be conducted by audit teams composed of at least two (2) staff members of the ~~state-board~~State Board of ~~accounts~~Accounts. The ~~director~~Recount Director may assign additional staff members to the audit teams to conduct the recount. Where possible, team assignments should be rotated daily so that the same auditors do not work as a team on consecutive days.

(e) Except as provided in subsection (f), the audit team shall inspect and tally all ballots in accordance with these guidelines. The audit team may classify a ballot as invalid only for reasons set forth in these guidelines or IC 3-12 ~~and if no party to the recount disputes that determination.~~ ~~Except as provided in subsection (f), the~~ The audit team shall also inspect all poll lists, voter affidavits, absentee envelopes, and other documents relevant to the recount, as determined by the ~~director~~Recount Director.

~~(f) Except as provided in subsection (h), if)~~ If a recount is conducted concerning a ~~primary~~Primary Election, the ballots cast in the primary conducted for the candidates of the other major party, and the ballots cast solely on public questions are not to be recounted, but ~~shall~~may be documented at the request of a party solely for the purpose of reconciling the number of voters who cast ballots in person or by absentee ballot at the precinct (according to the poll list) with the number of ballots cast in the precinct according to the canvass.

(g) If ~~each~~ a party to a recount files a written request with the ~~director~~Recount Director to ~~waive any~~perform a manual count of the signatures:

- (1) made within the paper poll books for precincts in which the recount is to be conducted; or
- (2) captured by an electronic poll book data system in a county using electronic poll books;

and the ~~director~~Recount Director issues an order to approve these requests, then the ~~state-board~~State Board of ~~accounts~~Accounts

shall ~~not~~ perform a manual count of these signatures as a part of the inspection of election material.

~~(h) This subsection applies to a recount conducted concerning a primary election. If each party to a recount files a written request with the director to waive the documentation of the number of ballots cast in the primary conducted for candidates of the other major political party and the ballots cast solely on public questions, then the state board of accounts shall not document the number of those ballots cast in a precinct.~~

(h) A request by either party under subsection (f) or (g) must be made in writing not later than twenty-four (24) hours before the pre-recount inspection.

Sec. 6. (a) ~~The state board~~State Board of ~~accounts~~Accounts shall designate one of its staff to act as a supervisor for each group of audit teams.

(b) Each supervisor should be present at the tallying location while the tally is being conducted, assist the ~~director~~Recount Director in managing the tallying process, and keep the ~~director~~Recount Director advised of the progress of the tallying.

(c) The supervisor shall inspect all absentee ballot envelopes not distributed to ~~the precinct election boards or to central count absentee ballot counters~~ and shall permit observers to inspect the envelopes. The supervisor may not open the envelope.

Sec. 7. At least one ~~state police~~State Police officer must be present at each counting location during the tallying. The ~~state police~~State Police are responsible for the safety and integrity of all election materials during and after the recount, until further order of the ~~commission~~Commission.

Sec. 8. Each candidate in a race being tallied may observe each audit team as it conducts the tally. Each candidate may also designate one observer per audit team and not more than two managers for the candidate's observers in each county. The audit team shall allow each candidate or his/her manager or observer a reasonable opportunity to view each ballot, document, voting machine or other materials reviewed by the audit team. An audit team does not have to delay the tallying process because of the absence of a candidate or candidate's manager or observer.

Sec. 9. During the tallying of ballots in each precinct, one member of the audit team shall be responsible for inspecting each ballot and determining the tally category for that ballot. The other member of the audit team shall keep all necessary records. The members of the audit team may consult with one another, their supervisor, or the ~~director~~Recount Director.

Sec. 10. The candidates, and their managers and observers, may not argue or interfere with the audit team but may request that a ballot be identified by the audit team as a disputed ballot. The candidate, manager or observer need not state the reason for the challenge. Unless a ballot is challenged by a candidate, manager, or observer before the audit team signs the precinct tally sheet, the audit team's decision as to the classification of that ballot is final. The ~~commission~~Commission shall review disputed ballots upon completion of the tally by the ~~state board~~State Board of ~~accounts~~Accounts.

Sec. 11. The audit team shall mark any disputed ballot as an exhibit. The mark must contain at least the following information: county, township or ward, precinct, exhibit number and the name of the candidate challenging the ballot, or whether the ballot is disputed by the ~~state board~~State Board of ~~accounts~~Accounts.

Sec. 12. The ~~director~~Recount Director shall attempt to resolve procedural problems (other than ballot validity issues) not resolved by these guidelines. The ~~director~~Recount Director shall keep the ~~commission~~Commission advised of the progress of the tallying, procedural problems he/she

resolves and any disagreement with his/her actions. If an issue arises during the tallying process, the ~~commission~~Commission may meet to resolve such an issue at the request of a candidate.

Sec. 13. Each audit team shall tally only one precinct at a time, and election materials for each precinct shall be kept separate by precinct.

Sec. 14. The audit team shall record information relevant to seals on the voting machines and ballot boxes or other containers of election materials on the precinct tally sheet.

Sec. 15. (a) The audit team shall then open the container of election materials and record the following information, if available, on the precinct tally sheet:

- (1) the total number of votes recorded on the precinct certificate;
- (2) the number of voters' signatures on the poll list;
- (3) the number of absentee ~~ballots delivered to voters listed on the precinct~~poll list;
- (4) the number of absentee ~~voters listed on the poll list~~ballots not counted;
- (5) the number of absentee ~~ballots not counted~~;
- ~~(6) the number of absentee voter applications; and~~
- ~~(7) the number of votes for each candidate in the relevant race as reported by the precinct~~Precinct
election boardElection Board or the county election boardCounty Election Board.

(b) Any discrepancies between the numbers recorded by election officials and the numbers recorded by the audit team should also be recorded on the precinct tally sheet.

Sec. 16. The audit team may not independently examine the absentee voter applications and affidavits on absentee ballot envelopes but shall permit each candidate, manager, or observer to inspect them and to ~~challenge~~dispute all absentee ballots cast in the precinct pursuant to any of them.

Sec. 17. The audit team may not remove from its envelope any absentee ballots or provisional ballots not removed from their ballot envelopes by the ~~precinct election board or the central count absentee ballot counters~~ or the County Election Board.

Sec. 18. The audit team shall:

- (1) tally the total number of undisputed valid ballots cast for each candidate in each relevant race;
- (2) tally the number of undisputed invalid ballots for each candidate rejected by the audit team;
- (3) tally the number of disputed ballots for each candidate;
- (4) tally the number of ~~no votes~~undervotes in the precinct;
- (5) sign and date the precinct tally sheet;
- (6) place all precinct materials in the precinct container; and
- (7) return the container and the completed precinct tally sheet to the ~~state board~~State Board of accountsAccounts supervisor, or ~~director~~Recount Director.

Sec. 19. (a) The ~~director~~Recount Director or supervisor shall make copies of each precinct tally sheet available to each candidate's representatives and the media as soon as possible.

(b) If a candidate requests that a document be copied pursuant to these Guidelines, the document shall be electronically scanned by the State Board of Accounts (~~SBOA~~)-audit team as soon as practicable. Any document unable to be scanned shall be photocopied.

(c) ~~Each team is~~The State Board of Accounts location supervisor shall designate an individual responsible for scanning ~~their own~~ documents using standard ~~SBOA~~State Board of Accounts issued scanners and standard ~~SBOA~~State Board of Accounts issued computers.

(d) The scanned documents will be saved as PDF files and copied, by precinct, to:

- (1) a ~~secured~~secure internal network drive);
- (2) flash drives; or
- (3) both.

As an alternative to the use of flash drives, the director may order that the scanned documents be stored in a centralized and secure electronic data room.

(e) The name for each PDF file must include the year, election race name, county and precinct, and form or exhibit number. An example of the PDF file name is as follows: 2016_ US8_Monroe_Bloomington1 Form1.pdf.

(f) The PDF files will be maintained by ~~SBOA~~the State Board of Accounts pursuant to its record retention requirements.

(g) As applicable, the scanned documents for each team (by precinct) will be compiled into one comprehensive flash drive (or more as disk space dictates) at the conclusion of each day's recount by a designated ~~SBOA~~State Board of Accounts team member.

(h) If applicable, three (3) copies of each daily comprehensive flash drive will be made: one (1) for the Recount Director and one (1) for each candidate.

(i) If applicable, the daily comprehensive flash drive (or more as disk space dictates) will be available to the candidates as soon as possible upon request.

Sec. 20. (a) Upon completion of the tallying by the ~~state board~~State Board of accountsAccounts, the ~~commission~~Commission shall convene to review the report of the ~~director~~Recount Director and to receive from the ~~candidates~~candidate's evidence relevant to whether disputed votes should be counted.

(b) The ~~commission~~Commission shall proceed to conduct the count required under IC 3-12-11-17.7(a) in the following manner:

(1) If the tallying by the ~~state board~~State Board of accountsAccounts indicates that there are not disputed ballots in one or more precincts, the ~~director~~Recount Director shall present a report of the votes cast for each candidate in the indicated precincts. The ~~commission~~Commission shall order the votes counted for the designated candidates and shall order any undisputed invalid ballots or ~~no votes~~undervotes in the precinct to not be counted.

(2) After the disposition of all precincts with no disputed ballots, the ~~commission~~Commission shall proceed to count all ballots in precincts with one or more

disputed ballots.

(3) If the recount is to be conducted in more than one county, the ~~commission~~Commission may begin with any county agreed upon by the parties. If no agreement exists between the parties, the recount shall begin in the county designated by the ~~commission~~Commission and proceed to subsequent counties in accordance with an order adopted by the ~~commission~~Commission. The ~~commission~~Commission shall conduct the recount in precincts within one county in alphanumeric order, according to the precinct name, unless all parties to the recount join in requesting that the count be conducted in an alternative manner.

(4) The ~~commission~~Commission shall begin by recognizing the ~~director~~Recount Director to present the ~~state board~~State Board of ~~accounts~~Accounts report regarding the votes cast within all precincts other than the precincts described in (1). The ~~director~~Recount Director shall state the number of:

- (a) undisputed valid votes cast for each candidate in each precinct;
- (b) undisputed invalid votes cast for each candidate; and
- (c) ~~no votes~~undervotes cast in each precinct.

(5) The ~~commission~~Commission shall then order:

- (a) the votes described in 4(a) to be counted for the designated candidates; and
- (b) the votes described in 4(b) or 4(c) not counted.

(6) If, following the designation of a ballot as disputed, the party who disputed the ballot determines that the ballot should be designated as either an undisputed valid vote cast for a specific candidate, or as an undisputed invalid vote, the party may file a written statement to that effect with the ~~director~~Recount Director. The statement must:

- (a) identify the ballot according to the "Exhibit No." on the ~~state board~~State Board of ~~accounts~~Accounts exhibit list of disputed ballots;
- (b) state whether the ballot should be categorized as an undisputed valid vote for a specified candidate, or as an undisputed invalid vote; and
- (c) be signed by the party to the recount who disputed the ballot.

(7) After the ~~commission~~Commission acts under (5) to order that ~~ballots~~a ballot be counted or not counted, the ~~director~~Recount Director shall report to the ~~commission~~Commission whether a statement described by (6) has been filed with the ~~director~~Recount Director regarding any disputed ballot. If so, the ~~commission~~Commission shall proceed to order the ballot to be counted for a specified candidate, or not counted, in accordance with the statement.

(8) The ~~commission~~Commission shall then recognize the petitioner to present ballots disputed by the petitioner or ~~state board~~State Board of ~~accounts~~Accounts to the ~~commission~~Commission that the petitioner contends should be counted as votes for the petitioner. The petitioner shall present each ballot in the order that the ballot is designated as an exhibit number in the exhibit list of disputed ballots and for the first such precinct according to the precinct order listed in (3). However, the ~~commission~~Commission may consent to the consideration of more than one ballot in the precinct at the same time if

requested by the petitioner, and the ~~commission~~Commission determines that the issues regarding the disputed ballots are essentially identical so that there is no need for a determination regarding each ballot in this group.

(9) After the presentation of a ballot (or when permitted, a group of ballots) under (8), the ~~commission~~Commission shall determine based on all relevant evidence whether or not the ballot(s) shall be counted as a vote (or votes) for the petitioner, a vote (or votes) for the cross-petitioner, or whether the ballots shall not be counted for any candidate.

(10) After the completion of the petitioner's case-in-chief in all of the precincts included in the recount, the ~~commission~~Commission shall then recognize the cross-petitioner to present ballots disputed by the cross-petitioner or ~~state board~~State Board of accounts~~Accounts~~ to the ~~commission~~Commission that the cross-petitioner contends should be counted as votes for the cross-petitioner. The cross-petitioner shall present each ballot in the order that the ballot is designated as an exhibit number in the exhibit list of disputed ballots and for the first such precinct according to the precinct order listed in (3). However, the ~~commission~~Commission may consent to the consideration of more than one ballot in the precinct at the same time if requested by the cross-petitioner, and the ~~commission~~Commission determines that the issues regarding the disputed ballots are essentially identical so that there is no need for a determination regarding each ballot in this group.

(11) After the presentation of a ballot (or when permitted, a group of ballots) under (10), the ~~commission~~Commission shall determine, based on all relevant evidence, whether or not the ballot(s) in the precinct shall be counted as a vote (or votes) for the petitioner, a vote (or votes) for the cross petitioner, or whether the ballots shall not be counted for any candidate.

(12) After completion of the cross-petitioner's case-in-chief in all of the precincts included in the recount, the ~~commission~~Commission shall then recognize the ~~director~~Recount Director to report whether any disputed ballots in any precinct have not been presented by either the petitioner or cross-petitioner to the ~~commission~~Commission. If the ~~director~~Recount Director identifies any ballots that remain disputed, the ~~director~~Recount Director shall present these ballots to the ~~commission~~Commission for determination.

Sec. 21. (a) Except as provided in subsection (b), (c), or (d), a member of the ~~commission~~Commission (or an individual acting on behalf of the ~~commission~~Commission) shall not initiate, permit, or consider ex-parte communications, or consider other communications made to the member or individual outside the presence of the parties, concerning a pending or impending proceeding.

(b) Where circumstances require, ex-parte communications for scheduling, administrative purposes, or emergencies that do not deal with substantive matters or issues on the merits are authorized if the member or individual reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex-parte communication and promptly notifies the ~~commission~~Commission and all other parties of the substance of the ex-parte communication and allows an opportunity to respond.

(c) A member or individual may consult with ~~commission~~Commission staff and others whose function it is to aid the member or individual in carrying out the member or individual's responsibilities.

(d) A member or individual may, with the consent of the parties, confer separately with the

parties and their lawyers to mediate or settle matters pending before the ~~commission~~Commission.

Sec. 22. All testimony presented to the ~~commission~~Commission by an individual shall be sworn to (or affirmed) by that individual.

Sec. 23. The ~~commission~~Commission may accept evidence in a proceeding even if the evidence would not be admissible in a judicial proceeding under the rules of evidence. In accepting the evidence described by this section, the ~~commission~~Commission shall ensure that the ~~commission's~~Commission's proceedings are conducted with the decorum required to protect the rights of the parties to the proceeding and other individuals.

Sec. 24. Unless otherwise ordered by the ~~commission~~Commission, if the ~~commission~~Commission requests or requires that written briefs be submitted in a ~~proceeding~~proceedings before the ~~commission~~Commission, the briefs must be filed with the ~~election division~~Election Division no later than forty-eight (-48) hours before the ~~commission~~Commission is scheduled to meet to consider the matter.

Sec. 25. After the ~~commission~~Commission has completed its count under Section 20, the ~~commission~~Commission shall adjust accordingly the tallies certified by the ~~state board~~State Board of accountsAccounts, resolve any other issues raised in the recount, or contest and certify the results to the ~~election division~~Election Division pursuant to IC 3-12-11-15.

Chapter 3. Tallying Votes in a Ballot Card Voting System Precinct

Sec. 1. This chapter applies only to tallying votes in a precinct that uses ballot cards for registering votes.

Sec. 2. The ~~director~~ Recount Director shall obtain the use of one or, if possible, two automatic tabulating machines in each county. The ~~director~~ Recount Director may seek the assistance of county election officials in preparing the machines for use in the tallying.

Sec. 3. The ~~state board~~ State Board of accounts Accounts shall prepare a test deck of sample ballot cards, and the candidates may jointly prepare test decks. At the beginning and end of each day of tallying, the counting machine shall be tested by running decks prepared by the candidates. Candidates and their managers or observers may observe all testing and operation of automatic tabulating machines.

Sec. 4. The audit team shall examine the precinct header card to determine whether it is the correct card for the precinct. Candidates, managers, or observers may inspect the precinct header card and have it marked as an exhibit for review by the ~~commission~~ Commission.

Sec. 5. (a) The audit team shall manually inspect each ballot card in the container of election materials to determine whether it should be counted.

(b) A ballot marked "REJECTED", "VOID", "SPOILED", or "CANCELLED" or with any other similar notation regarding the reliability of the ballot permitted under the state law must be disputed by the audit team. The audit team shall record any available information concerning the reasons the marking appears on a ballot.

Sec. 6. The audit team shall divide all ballots into three groups:

- (1) Ballot cards to be counted that are undisputed.
- (2) Ballot cards that are disputed.
- (3) Ballot cards not to be counted that are undisputed, including ~~no votes~~ undervotes.

Sec. 7. (a) All undamaged ballots to be counted shall then be counted on two separate automatic tabulating machines, if available; otherwise, the ballots shall be counted twice on one machine. The audit team shall compare the totals for each candidate from each machine run and shall record the totals.

(b) If the totals are identical on both machines, or on both runs on the same machine, no further counting will be necessary.

(c) If the totals are not identical, the audit team shall manually count the ballots at least twice, so that the audit team and supervisor are satisfied that the manual count is accurate.

Sec. 8. The ~~director~~ Recount Director may order any appropriate test or a hand count in any precinct he/she believes there is a substantial question concerning the accuracy of the tabulating machine count.

Sec. 9. Notwithstanding sections 7 and 8 of this chapter if a petition or cross petition for a recount request that the ballot cards in a specific precinct be counted manually, the audit teams shall count the cards accordingly and may not use automatic tabulating machines except in a test unless the petitioner or cross petitioner withdraws the request after the ~~state board~~ State Board of accounts Accounts conducts a test of the automatic tabulating machine to ascertain its accuracy. A written withdrawal of such a request is effective upon delivery to the ~~director, supervisor, or~~

~~commission~~ Recount Director or Commission.

Chapter 4. Tallying Votes in Paper Ballot Precincts

Sec. 1. This chapter applies only to tallying votes in a precinct that uses paper ballots for registering votes.

Sec. 2. The audit team shall divide the paper ballots into three groups:

- (1) Paper ballots to be counted that are undisputed.
- (2) Paper ballots that are disputed.
- (3) Paper ballots not to be counted that are undisputed, including ~~no votes~~ undervotes.

Sec. 3. (a) The audit team shall manually inspect each paper ballot in the container of election materials.

(b) A ballot marked “REJECTED” or “VOID” or “SPOILED” or “CANCELLED” or with any other similar notation regarding the reliability of the ballot permitted under the state law may not be counted by the audit team. The audit team shall record any available information concerning the reasons the marking appears on a ballot.

Chapter 5. Tallying Votes in an Electronic Voting System Precinct

Sec. 1. This chapter applies only to tallying votes in a precinct that uses the electronic voting system.

Sec. 2. (a) The audit team shall check the election night printout to ensure that the test of the electronic voting machine showed that the votes were recorded correctly, no over voting could occur, and the vote tallies for each office were equal to zero. The team shall note any discrepancies.

(b) The team shall check the election night results reported by the ~~precinct election board~~ Precinct Election Board with the printout for accuracy and shall note any discrepancies.

Sec. 3. If requested by a candidate or candidate's representative, the audit team shall cause a new printout to be made from the memory cartridges for a precinct. The new printout shall be compared with the old printout and election night results reported by the ~~precinct election board~~ Precinct Election Board. The audit team shall note any discrepancies.

Sec. 4. If a new printout is requested under Section 3 from more than one memory cartridge, the cartridges shall be read on one electronic voting system designated by the ~~director~~ Recount Director, unless a party requests the use of the electronic voting system in which the cartridge was originally used.

Sec. 5. Unless otherwise requested by a party, a memory cartridge read on an electronic voting system is not required to also be read on the computer program maintained by the ~~county election board~~ County Election Board for use in election night tabulations.

Sec. 6. A request under Section 3 of this Chapter must be made not later than forty-eight (48) hours after competition of the pre-recount inspection conducted in the county is conducted under Chapter 2, Section 5(b) of these Guidelines.

Sec. 7. (a) The Recount Director may order the State Board of Accounts to review each Voter Verifiable Paper Audit Trail (VVPAT) in each electronic voting system used to cast a ballot in each precinct stated in the petition or cross-petition if a party to the recount files a request with the Recount Director that the VVPAT receipts be reviewed.

(b) The request must be filed with the Recount Director not later than the conclusion of the pre-recount inspection conducted in the county the party desires to have the VVPAT receipts reviewed.

(c) Each request must include a statement setting forth a basis in law that there is fraud, tampering, or miscount affecting the integrity of the voting system is faulty and that the VVPAT receipts should be reviewed.

Chapter 6. Tallying Votes in a Vote Center County

Sec. 1. This chapter applies only:

- (1) to tallying votes in a county that is designated as a ~~vote center~~ Vote Center county under Indiana Code 3-11-18.1-; and
- (2) when a party to the recount files a written request with the Recount Director that the provisions of this chapter be followed during the request, not later than forty-eight (48) before the pre-recount inspection is conducted in the county under Chapter 2, Section 5(b) of these Guidelines.

Sec. 2. Chapter 2 (Conduct of Election Recounts and Contests Generally), Chapter 3 (Tallying Votes in a Ballot Card Voting System Precinct), Chapter 4 (Tallying Votes in Paper Ballot Precincts), and Chapter 5 (Tallying Votes in an Electronic Voting System Precinct) of these Guidelines apply to the tallying of votes in a ~~vote center~~ Vote Center pilot county, except to the extent of a conflict with this Chapter.

Sec. 3. If this chapter conflicts with any other provision of these Guidelines, this chapter prevails to the extent of the conflict.

Sec. 4. The ~~recount director~~ Recount Director shall arrange for the county voter registration office to provide a ~~work station~~ workstation with a link to the ~~statewide voter registration system~~ Statewide Voter Registration System to permit the checking of signatures on voter registration applications with signatures made by voters casting a ballot at a ~~vote center~~ Vote Center. The ~~recount director~~ Recount Director shall ensure that a ~~state board~~ State Board of ~~accounts~~ Accounts audit team and the ~~state police~~ State Police supervise all activity at this ~~work station~~ workstation and that candidate watchers may monitor recount-related activity at this ~~work station~~ workstation. A party may request a copy of the signature of the individual scanned into the ~~statewide voter registration system~~ Statewide Voter Registration System.

Sec. 5. Unless otherwise requested by a party, any sign-in cards used by voters at a ~~vote center~~ Vote Center which are sorted by date, time, and vote center location, are not required to be sorted by precinct for purposes of a recount.

Sec. 6. If a party requests that a copy be made of a document, an additional copy of that document shall be provided to counsel for the opposing party.

Sec. 7. Each ~~state board~~ State Board of ~~accounts~~ Accounts audit team shall tally votes in only one ~~vote center~~ Vote Center at a time, and election materials for each ~~vote center~~ Vote Center shall be kept separate by ~~vote center~~ Vote Center. If the counting of votes cast for each candidate by ~~vote center~~ Vote Center is waived **under** an order by the director issued under **Section 451 of this Chapter**, the ~~state board~~ State Board of ~~accounts~~ Accounts shall mark each ballot to identify the ~~vote center~~ Vote Center at which the ballot was cast before beginning the tabulation of the ballots cast at that ~~vote center~~ Vote Center by precinct.

Sec. 8. The ~~recount director~~ Recount Director shall arrange for the ~~circuit court clerk~~ Circuit Court Clerk of the county to generate:

- (1) reports listing voters by precinct and by ~~vote center~~ Vote Center, using the county's electronic poll book software; and
- (2) reports of the votes cast in each precinct using the county's vote tabulation software.

Sec. 9. The audit team shall tally votes in a ~~vote-center~~Vote Center by:

- (1) running a report from the electronic ~~poll-book~~pollbook software listing the number of voters in the precinct and by ~~vote-center~~Vote Center; and
- (2) running a statement from the county's vote tabulation software showing the total number of votes cast in each precinct.

Sec. 10. The audit team shall begin the reconciliation by comparing the number of votes cast in the precinct (according to the county vote tabulation software) with the number of voters of the precinct who signed in at any ~~vote-center~~Vote Center, according to the report from the electronic poll book data system. However, if ~~each~~no party to a recount files a ~~written request with the director to waive any~~for a manual count of the signatures captured by ~~not later than twenty-four (24) hours before the pre-recount inspection is to be conducted in the electronic poll book data system, and the director issues an order to approve county under Chapter 2, Section 5(b) of these requests~~Guidelines, then a manual count of the signatures is waived. When a manual count of signatures is waived, the state boardState Board of accountsAccounts shall not perform a manual count of these signatures as a part of the reconciliation; but shall instead rely on the signature count provided by the report from the electronic poll book data system.

Sec. 11. The audit team shall then add the total number of votes cast by paper ballot or optical scan absentee ballot within that precinct to the number of votes cast by voters of the precinct at any ~~vote-center~~Vote Center, and note any remaining discrepancy between the total number of votes cast in the precinct according to the county tabulating system and the number of voters of that precinct who cast a vote at any ~~vote-center~~Vote Center, according to the electronic poll book database.

Sec. 12. A party may not dispute an individual ballot or group of ballots cast in a ~~vote-center~~Vote Center after the ~~state board~~State Board of accountsAccounts audit team declares that the tallying of votes cast in that ~~vote-center~~Vote Center has closed. This section does not prohibit:

- (1) the disputing of a ballot cast in that ~~vote-center~~Vote Center as a result of the signature comparison conducted at the ~~work station~~workstation described in Section 4 (until the signature comparison for that ballot is completed); or
- (2) the disputing of all of the ballots cast in a precinct following the closing of the precinct tallying under Section 14.

Sec. 13. The tallying of optical scan ballots or paper ballots shall be conducted in accordance with Chapter 3 and Chapter 4 of these Guidelines, with these ballots being sorted by precinct.

Sec. 14. Tallying in a precinct is not closed until the tallying of all ~~vote-centers~~Vote Centers has been completed, and the votes cast in that precinct by using optical scan ballots or paper ballots having been added to the votes cast at each ~~vote-center~~Vote Center by voters of that precinct. The ~~state board~~State Board of accountsAccounts audit team shall then announce that the tallying in a precinct will be closed, and ask if either party wishes to dispute all of the ballots cast in that precinct. If no party disputes the entirety of the ballots cast in the precinct, the audit team shall declare the precinct tallying closed. After the closing of a precinct's tallying, no further disputes will be accepted from a party concerning all or part of the ballots cast in that precinct.

Sec. 15. (a) ~~Except as provided in subsection (b), the~~The report generated by the ~~state board~~State

Board of accounts~~Accounts~~ shall include the count of votes for each candidate by precinct and the count of votes cast for each candidate by vote center.

~~(b) If each party to a recount files a written request with the director to waive any requirement for the counting of the number of votes cast for each candidate by vote center, and the director issues an order to approve these requests, then the state board of accounts shall not include the count of votes for each candidate by vote center in its report.~~

Sec. 16. Notwithstanding Section 1 of this Chapter, the State Board of Accounts shall designate in its forms and report the Vote Center location where a ballot was cast.

Chapter 7. Review of an Unopened Provisional Ballot Envelope and Documentation Associated with that Envelope.

Sec. 1. This Chapter applies to the review of an unopened provisional ballot envelope and the documents associated with that envelope.

Sec. 2. This Chapter is adopted to implement reasonable procedures to provide the greatest possible protection to the individual who cast the provisional ballot to ensure that information about the individual's ballot remains confidential under state law (and federal law, to the extent that Section 302(a)(5) of the Help America Vote Act of 2002 applies to the proceedings of the ~~commission~~Commission); and to enable the ~~commission~~Commission to conduct a recount proceeding in accordance with state law and these Guidelines.

Sec. 3. Except as otherwise provided in this Chapter, the ~~state board~~State Board of ~~accounts~~Accounts shall handle an unopened provisional ballot envelope and the documents associated with that envelope in the manner necessary to perform the reconciliation process described in the *Agency Guidelines for Conduct of Recount for the State Recount Commission*.

Sec. 4. The ~~recount director~~Recount Director shall arrange for the provisional ballot material described in Section 1 of this Chapter to be processed at a single ~~work station~~workstation by one State Board of Accounts audit team, with one watcher designated by each party to the recount proceeding. Another individual may not be substituted for an individual designated as a member of the audit team or as a watcher under this Section unless the ~~recount director~~Recount Director determines that there is good cause to do so.

Sec. 5. Except as permitted in this Chapter, a person shall not approach the ~~work station~~workstation or engage in activity at the ~~work station~~workstation in a manner that the ~~recount director~~Recount Director determines would permit the person to view, record, or otherwise obtain information about an individual's provisional ballot.

Sec. 6. The ~~recount director~~Recount Director, audit team, other ~~state board~~State Board of ~~accounts~~Accounts personnel, and ~~state police~~State Police personnel may be present at the ~~work station~~workstation to perform tasks necessary for the handling and securing of the provisional ballot material.

Sec. 7. A watcher designated under this chapter may be present at the ~~work station~~workstation to observe the handling and securing of the provisional ballot material, and may request to view both sides of an unopened provisional ballot envelope and documents associated with that envelope.

Sec. 8. A watcher designated under this chapter may make handwritten notes regarding the provisional ballot material, but shall not be provided with a photocopy of any provisional ballot material. A watcher may not otherwise record or document information regarding the provisional ballot material, and may not use laptop computers or blank state prescribed forms associated with provisional ballots at the ~~work station~~workstation.

Sec. 9. In processing the provisional ballot material, the audit team may not open any unopened provisional ballot envelope.

Sec. 10. At the request of a watcher, the audit team shall mark an unopened provisional ballot envelope or document associated with the envelope as an exhibit in the same manner that other material is marked as an exhibit under these Guidelines. The audit team shall inform the

watchers of the designation used to identify the exhibit.

Chapter 8. Ordering Impoundment of Election Materials Before Election
Results Certification

Sec. 1. This Chapter applies only to:

- (1) a recount petition;
- (2) a recount cross-petition; or
- (3) a request by a candidate for federal, state, or state legislative office to the Recount Director or Commission to impound election materials in the candidate's election district in connection with a recount or contest under IC 3-12-10-6;

that is filed before noon on the second Monday after the election.

Sec. 2. (a) The Recount Director may not order the impoundment of election materials after a recount petition or recount cross-petition has been filed until the petitioner or cross-petitioner has furnished the cash deposit required under IC 3-12-11-10.

(b) The Commission or Recount Director shall take into consideration the balance of necessities for the County Election Board to complete the tabulation of all ballots that are permitted to be counted under applicable law against the necessities to preserve the election materials requested to be impounded before an impoundment order is issued.

Sec. 3. The candidate requesting the impoundment of election materials shall include with their request for an impoundment a written statement of the reasons necessity requires an impoundment order to be issued before the final election results in each county where the election district is located are certified and filed with the Indiana Election Division.

Sec. 4. (a) If an impoundment order is issued the Commission or Recount Director may:

- (1) by a Commission motion;
- (2) on the Recount Director's own initiative; or
- (3) at the request of the County Election Board of a county that is subject to the impoundment order and states that the county has not processed or counted all timely received ballots;

order to allow the County Election Board to have access to any impounded election materials necessary for the County Election Board to complete the review, tabulation, and canvassing of any ballots not processed under applicable law before the impoundment order was issued. Except as provided in subsection (c), copies may be made of any impounded election material necessary for the County Election Board to complete their work as noted above.

(b) Pursuant to IC 3-12-10-5(c) and IC 3-12-10-5.5, impounded election materials accessed and copied under this section must be done under the supervision of the State Police. The Circuit Court Clerk shall keep a daily record describing all election materials that are removed from impoundment. A copy of this record shall be filed with the Recount Director after all election materials accessed by the County Election Board have been returned to impoundment. The Recount Director shall provide a copy of the record to the State Board of Accounts.

(c) The Circuit Court Clerk and the County Election Board may not copy any ballot. A damaged or defective ballot that has not been counted before the impoundment order can be

remade under IC 3-11.5-5, IC 3-11.5-6, IC 3-12-2, and IC 3-12-3. If a ballot is remade in order to be tabulated, the County Election Board shall document the procedure conducted to remake the ballot. The documentation shall be stored with the election materials for the precinct when the ballot and election materials are returned to impoundment. The Circuit Court Clerk shall file a copy of the documentation with the Recount Director. The Recount Director shall provide a copy of the document to the State Board of Accounts.

(d) This subsection only applies to an absentee ballot or provisional ballot that was not processed for counting under IC 3-11.5 or IC 3-11.7 by the County Election Board before an impoundment order was issued. If the County Election Board determines that the absentee ballot or provisional ballot that was impounded may be counted, the board shall proceed to remove the absentee or provisional ballot from the ballot envelope and tabulate the ballot.

(e) This subsection applies to any ballots described in subsection (d) that the County Election Board determines should be counted under IC 3-11.5 or IC 3-11.7. When the ballot is removed from the absentee ballot or provisional ballot envelope the county election board shall:

- (1) organize the envelope and any attached applications, affidavits, or forms by precinct;
- (2) place all envelopes and attachments into a larger envelope or container that clearly states to the State Board of Accounts what is in the envelope or container and that the contents concern ballots that were tabulated after the impoundment order was issued;
- (3) sort each absentee ballot by precinct after the ballot is tabulated and place the ballots into a large envelope or container that clearly states to the State Board of Accounts what is in the envelope or container and that the contents concern ballots that were tabulated after the impoundment order was issued; and
- (4) sort each provisional ballot by precinct after the ballot is tabulated that clearly states to the State Board of Accounts what is in the envelope or container and that the contents concern ballots that were tabulated after the impoundment order was issued.

(f) The County Election Board shall add any votes tabulated from ballots counted under this section to the election management system of the county's voting system used to assist the board in canvassing the vote.

(g) The Circuit Court Clerk shall add any votes tabulated from ballots counted under this section to the vote totals for each candidate, office, and public question in the election results module in the Statewide Voter Registration System (SVRS) used to report election results to the Indiana Election Division.

Sec. 5. The Commission, Recount Director, and State Board of Accounts may take any reasonable steps to ensure that the identity of the voter who cast any ballot counted under Section 4 of this Chapter is not determined by any party to the recount or the member of the public who observes the recount proceedings.

Sec. 6. The Circuit Court Clerk shall keep a record of the number of election day, absentee, and provisional ballots in each precinct that were counted and not counted under applicable law after the impoundment order was issued. The record may not include any information identifying the voter. The Circuit Court Clerk shall file a copy of the record with the Recount Director after all impounded election materials accessed by the County Election Board under Section 4 of this Chapter have been returned to impound.

Sec. 7. (a) The Circuit Court Clerk in a county that accesses impounded election materials under Section 4 of this Chapter shall provide to the Recount Director and the State Board of Accounts a copy of the election results report from the election management system that is part of the county's voting system that shows the total results for each office, candidate, and public question at a county level and precinct level before the State Police execute an impoundment order.

(b) The Circuit Court Clerk in a county that accesses impounded election materials under Section 4 of this Chapter shall provide to the Recount Director and the State Board of Accounts a copy of the election results report from the election management system at a county level and precinct level after all ballots described in Section 4 of this Chapter are counted, tabulated, and added to the results in the election management system.

Sec. 8. (a) Each candidate for the office that is subject to the impoundment order, or an appointed representative, may observe each County Election Board as it conducts any matter described in Section 4 of this Chapter.

(b) Each candidate or their representative shall have the same powers and duties as a watcher appointed under IC 3-11.5-3 when observing the County Election Board processing and counting any absentee ballot.

(c) Each candidate or their representative shall have the same powers and duties as a watcher appoint under IC 3-11.7-4 when observe the County Election Board processing and counting any provisional ballot.

(d) The County Election Board may establish reasonable restrictions to protect the integrity of the election materials accessed from impoundment. No restriction may be established by the County Election Board that would prevent the candidate or their representative from exercising the powers or duties described in subsection (b) and (c).

Sec. 9. The:

- (1) Recount Director;
- (2) State Board of Accounts, at the request of the Recount Director; or
- (3) a Deputy Recount Director, at the request of the Recount Director;

may observe all work conducted by the County Election Board under Section 4 of this Chapter.

Chapter 9. Reimbursement of Recount Expenses

Sec. 1. An expense of a recount incurred by:

- (1) a state agency or officer described in IC 3-12-10-11;
- (2) Deputy Recount Director or other personnel appointed by the Commission;
- (3) a county; or
- (4) a voting system or electronic poll book vendor of the county;

shall be filed in accordance with IC 3-12-10-12.

Sec. 2. (a) This section applies only to an individual, officer, or state agency described in Section 1(1) and 1(2) of this Chapter.

(b) All of the following must be provided to the Recount Director when an expense is submitted for reimbursement:

- (1) A description of the expense.
- (2) A copy of any receipt showing the expense, if the receipt exists.
- (3) Information necessary for mileage reimbursement.
- (4) The total amount of each expense.

Sec. 3. (a) This section applies only to an individual or entity described in Section 1(3) and 1(4) of this Chapter.

(b) All of the following must be provided to the Recount Director when an expense is submitted for reimbursement:

- (1) A description of the expense.
- (2) A copy of any receipt showing the expense, if the receipt exists.
- (3) Information necessary to determine the total amount of expense submitted for reimbursement.
- (4) The total amount of each expense being reimbursed.

(c) A county and the county's vendor may not submit to the Recount Director the same expense for reimbursement. The Recount Director may not approve an expense for reimbursement submitted by the county's vendor if the vendor submits the same expense to the county for payment.

AS ADOPTED AND AMENDED BY THE STATE RECOUNT COMMISSION