INDIANA STATE RECOUNT COMMISSION
Guidelines for Conduct of an Election Recount and Contest
As Amended, June 6, 2022

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 or 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 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 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 of accounts determines does not conform with these guidelines or IC 3-12.

Sec. 5. "No votes" 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 of accounts 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 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 of 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 shall conduct all recounts and contests under identical procedures to the extent reasonably possible.

Sec. 2. The 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 of accounts in accordance with these guidelines.

(b) The state board of accounts staff manual for recounts (*Agency Manual for Conduct of Recount for the State Recount Commission*, June 2022 edition) is approved for use in

recounts conducted by the 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 of 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 of accounts for use in a specific county.

(d) The 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 shall appoint a director who is responsible for supervising the conduct of the tally by the state board of accounts. The state board of accounts shall prepare for the director a report on the tally by the state board of accounts. The director shall present the report to the commission to enable the commission to make final decisions in a fair and prompt manner.

Sec. 5. (a) The commission may order the state board of accounts to provide on-site assistance to the Indiana state police during the impoundment process. The Indiana election division shall provide the following documents concerning the election for which the recount is to be conducted to the state board of 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 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 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. This inspection:

(1) must be conducted under the supervision of the state board of accounts and the Indiana 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 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) This subsection applies to a recount which is to be conducted in an election district which contains parts of more than one (1) county. The director may authorize at least two (2) staff members of the state board of accounts staff to visit a location within the district where impounded material is located to perform advance work at that location as deemed appropriate by the 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, 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 of accounts. The 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 audit team shall also inspect all poll lists, voter affidavits, absentee envelopes, and other documents relevant to the recount, as determined by the director.

(f) Except as provided in subsection (h), if a recount is conducted concerning a 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 be documented 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 party to a recount files a written request with the director to waive any 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 issues an order to approve these requests, then the state board of 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.

Sec. 6. (a) The state board of 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 in managing the tallying process, and keep the 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 officer must be present at each counting location during the tallying. The state police are responsible for the safety and integrity of all election materials during and after the recount, until further order of the 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 or the 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 shall review disputed ballots upon completion of the tally by the state board of 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 of accounts.

Sec. 12. The director shall attempt to resolve procedural problems (other than ballot validity issues) not resolved by these guidelines. The director shall keep the 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 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 the precinct;

(4) the number of absentee voters listed on the poll list;

(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 election board or the county 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 ballots cast 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.

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 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 of accounts supervisor or director.
Sec. 19. (a) The 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 responsible for scanning their own documents using standard SBOA-issued scanners and standard SBOA-issued computers.

(d) The scanned documents will be saved as PDF files and copied, by precinct, to:
(1 a secured 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 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 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 of accounts, the commission shall convene to review the report of the director and to receive from the candidates evidence relevant to whether disputed votes should be counted.

(b) The 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 of accounts indicates that there are not disputed ballots in one or more precincts, the director shall present a report of the votes cast for each candidate in the indicated precincts. The commission shall order the votes counted for the designated candidates and shall order any undisputed invalid ballots or no votes in the precinct to not be counted.

(2) After the disposition of all precincts with no disputed ballots, the 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 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 and proceed to subsequent counties in accordance with an order adopted by the commission. The 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 shall begin by recognizing the director to present the state board of accounts report regarding the votes cast within all precincts other than the precincts described in (1). The 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 cast in each precinct.

(5) The 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. The statement must:

(a) identify the ballot according to the "Exhibit No." on the state board of 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 acts under (5) to order that ballots be counted or not counted, the director shall report to the commission whether a statement described by (6) has been filed with the director regarding any disputed ballot. If so, the 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 shall then recognize the petitioner to present ballots disputed by the petitioner or state board of accounts to the 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 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 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 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 shall then recognize the cross-petitioner to present ballots disputed by the cross-petitioner or state board of accounts to the 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 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 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 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 shall then recognize the director to report whether any disputed ballots in any precinct have not been presented by either the petitioner or cross-petitioner to the commission. If the director identifies any ballots that remain disputed, the director shall present these ballots to the commission for determination.

Sec. 21. (a) Except as provided in subsection (b), (c), or (d), a member of the commission (or an individual acting on behalf of the 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 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 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.

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

Sec. 23. The 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 shall ensure that the 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, if the commission requests or requires that written briefs be submitted in a proceeding before the commission, the briefs must be filed with the election division no later than forty-eight (48) hours before the commission is scheduled to meet to consider the matter.
Sec. 25. After the commission has completed its count under Section 20, the commission shall adjust accordingly the tallies certified by the state board of accounts, resolve any other issues raised in the recount, or contest and certify the results to the 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 shall obtain the use of one or, if possible, two automatic tabulating machines in each county. The director may seek the assistance of county election officials in preparing the machines for use in the tallying.
Sec. 3. The state board of 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.
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.
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 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 of 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.

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.
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 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. 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, 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 for use in election night tabulations.

Chapter 6. Tallying Votes in a Vote Center County

Sec. 1. This chapter applies only to tallying votes in a county that is designated as a vote center county under Indiana Code 3-11-18.1.

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 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 shall arrange for the county voter registration office to provide a work station with a link to the 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. The recount director shall ensure that a state board of accounts audit team and the state police supervise all activity at this work station and that candidate watchers may monitor recount-related activity at this work station. A party may request a copy of the signature of the individual scanned into the statewide voter registration system.

Sec. 5. Unless otherwise requested by a party, any sign-in cards used by voters at a 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 of accounts audit team shall tally votes in only one vote center at a time, and election materials for each vote center shall be kept separate by vote center. If the counting of votes cast for each candidate by vote center is waived under an order by the director issued under Section 15 of this Chapter, the state board of accounts shall mark each ballot to identify the vote center at which the ballot was cast before beginning the tabulation of the ballots cast at that vote center by precinct.

Sec. 8. The recount director shall arrange for the circuit court clerk of the county to generate:

(1) reports listing voters by precinct and by 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 by:

(1) running a report from the electronic poll book software listing the number of voters in the precinct and by 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, according to the report from the electronic poll book data system. However, if each party to a recount files a written request with the director to waive any manual count of the signatures captured by the electronic poll book data system, and the director issues an order to approve these

requests, then the state board of accounts 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, 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, 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 after the state board of accounts audit team declares that the tallying of votes cast in that vote center has closed. This section does not prohibit:

(1) the disputing of a ballot cast in that vote center as a result of the signature comparison conducted at the work station 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 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 by voters of that precinct. The state board of accounts 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 report generated by the state board of 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.

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); and to enable the 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 of 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 shall arrange for the provisional ballot material described in Section 1 of this Chapter to be processed at a single work station 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 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 or engage in activity at the work station in a manner that the 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, audit team, other state board of accounts personnel, and state police personnel may be present at the work station 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 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.

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.

AS ADOPTED AND AMENDED BY THE STATE RECOUNT COMMISSION