



OFFICE OF THE SECRETARY OF STATE

ELECTIONS DIVISION

Directive of the Secretary of State	Subject:	Directive Issued at the Request of:	Date:	Number:
	2022 General Election Hand Count of Ballots	Secretary of State	December 1, 2022	2022-10

The Secretary of State in carrying out the duties of the office shall issue detailed directives necessary to maintain uniformity in the application, operation and interpretation of Oregon election laws (ORS 246.110 and ORS 246.120). The information provided here is an official directive of the Secretary of State.

ORS 254.529 requires County Elections Officials, after each primary, general and special election, to determine whether to hand count a percentage of ballots and compare the hand counted tally of votes to the tally produced by the vote tally system for the same ballots or conduct a risk-limiting audit in the manner described in ORS 254.532 and OAR 165-007-0450.

This directive provides instruction on how to conduct the hand count of ballots cast at the November 8, 2022, General Election.

Information or instruction is provided regarding:

- Hand Count Checklist
- Instructions for Completing Hand Count
- Randomly Selected Contests, Measures and Precincts or Ballot Count Batches

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Hand Count Checklist

- _____ **1 Observation** – make provision to allow for attendance by observers during all hand count processes.
- _____ **2 Appointment of Counting Boards** – appoint necessary personnel to conduct the hand count.
- _____ **3 Notice of Breaking Seals** – Provide notification to the Elections Division of when and where seals are to be broken, including any preliminary preparation that requires breaking seals.
- _____ **4 Tally of Ballots** – Every cast ballot counted by the tally system in the precincts or batches randomly selected must be hand counted and the voter’s intent determined.
- _____ **5 Completion of *Form SEL 798 Hand Count Tally and Explanation*** – an explanation of any difference between the original count and the hand count must be provided.
- _____ **6 Returned Results** – A second hand count may be necessary if the results are returned as *Not Acceptable*.
- _____ **7 Hand Count Certification** – Upon completion of hand count process, repackage ballots in container and re-seal, or re-secure in their secured location.

Instructions for Completing Hand Count

Observation

The hand count will be conducted as openly and expeditiously as possible. Affected parties and members of the public may be present to observe the preliminary preparation as well as during the hand count. The County Elections Official determines the number of observers based on space, security, and staff availability. The County Elections Official shall permit only so many observers as will not interfere with an orderly hand count.

Observers:

- must follow any *Observer Rules* provided or posted by the County Elections Official
- shall not interfere with the preliminary preparation or hand tally process
- do not have any other role and do not have the right to address a counting board concerning the board's handling of individual ballots
- may keep written notes of comments on the handling of individual ballots
- must direct comments, questions or any observed procedural irregularity or perceived error with the proceedings in progress to elections supervisory personnel, not to counting boards



If at any time an observer creates a distraction or otherwise impedes the progress of the preliminary preparation or the count, the proceedings may be stopped and corrective action may be taken by the elections official.

Appointment of Counting Boards

The County Elections Official shall appoint a bipartisan board to count ballots and determine the voter's intent in a uniform manner in accordance with ORS 254.529, OAR 165-007-0290 and this directive.



The County Elections Official shall appoint as many counting boards as is necessary to ensure the orderly and timely completion of the hand count.

The members of a counting board:

- shall not all be affiliated with the same political party
- shall not have been a candidate for any office voted upon at the election
- shall be compensated at least the minimum wage required by state or federal law, whichever is higher

Notices and Breaking of Seals or Opening Secured Location

The County Elections Official shall determine the date, time and place of the hand count and must provide notification to the Elections Division at least **one business day prior** to beginning the hand count.

The hand count:

- may not begin until the election results for the county have been certified to the Secretary of State
- must be started no later than December 5, 2022
- must be completed no later than December 13, 2022

Instructions for Completing Hand Count (cont.)

-  The hand count is considered to have begun upon the breaking of the first seal, or opening the secured location, for any precinct or batch selected to be hand counted. Seals may be broken, or the secured location opened, by the County Elections Official, a designated staff member or by a member of the Counting Board.

If preliminary preparation of the ballots is deemed necessary by the County Elections Official and it requires seals to be broken, or the secured location opened, the Elections Division must be notified at least **one business day prior** to breaking any seals or opening of the secured location.

-  The notice shall include the date, time and place at which such preparation will occur.

When **breaking seals** the following process shall be followed:

- prior to breaking seals the County Elections Official shall assemble all ballot containers holding ballots to be hand counted and any related material
- each seal shall be examined to ensure they have not been broken or tampered with and
- be broken in the presence of members of the counting boards and any observers present
- all ballots must be resealed in ballot containers or locked in a secure location at the close of business each day
- upon completion of any preparatory procedures or the hand count all materials must be resealed in ballot containers
- resealing may be done by individual precincts or batch, in groups of precincts or batches contained in one sealable container, or as a county as a whole

When **opening a secured location** the following process shall be followed:

- the location shall be opened in the presence of members of the counting boards and any observers present
- all ballots must be locked in a secured location at the close of business each day
- upon completion of any preparatory procedures or the hand count all materials must be returned to the secured location
- returning the ballots to the secured location may be done by individual precincts or batch, in groups of precincts or batches contained in one container, or as a county as a whole

Tally of Ballots

After breaking seals, ballots cast in precincts or batches not selected for hand counting shall be separated from those that were randomly selected and shall be returned to the ballot containers. Every cast ballot in the precincts or batches randomly selected must be hand counted. The ballots to be hand counted shall be separated into the following stacks.

Instructions for Completing Hand Count (cont.)

For candidate contests, stacks will include:

- a separate stack for each candidate listed on the ballot in the contest
- write-in votes
- overvotes
- undervotes
- potential exception



An exception is defined as any ballot that is marked by the voter in a way that the vote tally system may not have appropriately tallied the vote.



Examples of potential ballot exceptions are described in under the Ballot Inspection Process and Write-in Processing sections of the Vote by Mail Procedures Manual, revised 09/2022.

After the ballots have been separated into the appropriate stacks and inspected:

- 1** counting boards divide into teams and count one precinct or batch at a time
 - Each overvote and undervote ballot must be examined to confirm the voter's intent. An overvote occurs when an elector marks more than the allowable choices for a particular office or measure. An undervote occurs when the elector does not mark any choice for a candidate or a measure.
 - If the counting board determines that a ballot initially determined to be an undervote or an overvote is, instead a vote for a candidate or a measure, the ballot shall be set aside to be accounted for as an *Exception*.
 - The counting board may also find write-in votes for candidates on the ballot that may not have been properly assigned to the candidate by the vote tally system, or which may have been counted as undervotes or overvotes. These should also be set aside and accounted for as an *Exception*.
- 2** each team shall count each stack of ballots and compare counts
 - if the counts agree, the number shall be reported on the return sheet provided.
 - if the counts do not agree, each stack must be counted again until agreement is reached and the number reported on the return sheet provided.
- 3** the County Elections Official will compare the vote count reported by the counting board with the original vote tally system count
 - Any difference in the vote count prepared by the counting board and the original vote tally system count must be reviewed by the County Elections Official before the count of a precinct or batch is considered complete.
 - If the hand count results differ from the vote tally system results, the counting board will analyze the ballots to determine if the reason for the difference can be identified.
 - If any candidate or measure gained votes the stack of votes for that particular response position needs to be reviewed to determine if such a ballot can be identified. If the ballot is identified, it should be set aside and accounted for as an *Exception*.
- 4** The results of the hand count shall be entered into the form SEL 798 worksheet for the contest.
 - Any difference in the hand count and the vote tally system count must be explained by the elections official.

Instructions for Completing Hand Count (cont.)

Completion of Form SEL 798 Hand Count Tally and Explanation

Form SEL 798 is available as an excel spreadsheet that has been programmed to perform calculations to determine if a second hand count must be completed. A separate SEL 798 must be completed for each precinct or batch hand counted. The following fields must be entered and the SEL 798 saved for the calculation command to execute:

- Original Results – the certified results for each candidate in the contest or each measure response, for the individual precinct or batch being reported
- Hand Count Results – the results as determined by the counting board and county elections official review, for the individual precinct or batch being reported
- Difference – the total difference between the certified results and the hand count results, includes any identified exception
- Exceptions – the difference between the certified results and the hand count results that the counting board identified
- Notes and Remarks – explanation of any *Exception*

The indicator of *Acceptable* or *Not Acceptable* will appear after the command is executed to compare the difference between the certified results and the hand count results less any exceptions, to $\frac{1}{2}$ of 1% of the total votes cast for the contest or measure.

 A separate SEL 798 must be completed and submitted for each contest and measure hand counted.

 Only one Certification is required to be signed and returned with results.

Returned Results – Acceptable

A separate SEL 798 must be filed with the Elections Division for each contest and measure hand counted.

 No later than 5 pm on December 13, 2022.

Submit all copies of form SEL 798 to:

Elections Division
255 Capitol St NE Suite 126
Salem OR 97310

✉ elections.sos@sos.oregon.gov

Returned Results – Not Acceptable

If the formula indicates *Not Acceptable* that means that the difference between the certified results and the hand count results less any exceptions exceeds $\frac{1}{2}$ of 1% of the total votes cast for the contest or measure, and that the same ballots must be hand counted a second time.

Instructions for Completing Hand Count (cont.)

If after the second hand count the returned results remain *Not Acceptable*, ORS 254.529 requires a countywide hand count of all ballots for all contests tallied by the vote tally system.



Contact the Elections Division prior to proceeding with a complete hand count.

Hand Count Certification

The hand count determinations are not considered final until they have been certified to the Secretary of State by the County Elections Official on the SEL 798.

Once all counties have completed the hand count and filed form SEL 798, the Elections Division will compile the results and make them available at www.oregonvotes.gov.

Randomly Selected Contests and Precincts

County	Top Two Contest	Statewide Contest	Statewide Measure	Percentage of Precincts	Precincts Randomly Selected
Baker	Governor	BOLI	112	3%	Eagle Valley 15
Columbia	Governor	BOLI	111	3%	36 Canyon
Curry	Governor	Court of Appeals, Position 11	113	3%	22 W Harbor
Gilliam	Governor	Court of Appeals, Position 11	114	3%	Precinct 6
Grant	Governor	Court of Appeals, Position 10	113	3%	Union
Jefferson	Governor	US Senator	111	3%	Metolius (11)
Lake	Governor	Court of Appeals, Position 10	112	3%	Precinct 12, 14
Lincoln	Governor	Court of Appeals, Position 10	113	3%	13 Pacific
Malheur	Governor	Court of Appeals, Position 11	114	3%	Precinct 11
Marion	Governor	Court of Appeals, Position 11	113	3%	Precinct 370, 592, 676, 679
Morrow	Governor	BOLI	114	5%	05 Heppner/Hardman
Sherman	Governor	Court of Appeals, Position 10	111	3%	Grass Valley
Tillamook	Governor	BOLI	113	3%	South Prairie East
Union	Governor	Court of Appeals, Position 10	114	3%	18-IC City
Wallowa	Governor	BOLI	113	3%	Joseph #5
Wheeler	Governor	Court of Appeals, Position 11	113	3%	MIT

Randomly Selected Contests and Batches

County	Top Two Contest	Statewide Contest	Statewide Measure	Percentage of Batches	Batches Randomly Selected
Benton	Governor	US Senator	111	3%	A0053, A0088, A0100, A0153, A0178, A0190, A0200, A0250, A0254, A0259, A0304, A0309, A0353
Clackamas	Governor	US Senator	114	3%	Listed Separately
Clatsop	Governor	Court of Appeals, Position 11	112	3%	A0057, A0074, A0086, A0100, A0104, A0106, A0211
Coos	Governor	BOLI	114	3%	VBM-0015, VBM-0020, VBM-0026
Crook	Governor	Court of Appeals, Position 10	112	3%	VBM-0019, VBM-0054, VBM-0084, VBM-0101, VBM-0125
Deschutes	Governor	US Senator	111	3%	AB-024, AB-030, AB-084, AB-098, AB-110, AB-118, AB-127, AB-199
Douglas	Governor	Court of Appeals, Position 10	114	3%	VBM-0008, VBM-0058, VBM-0100, VBM-0104, VBM-0116, VBM-0159, VBM-0180, VBM-0194, VBM-0236
Harney	Governor	Court of Appeals, Position 10	114	3%	AB-047, AB-051, AB-076
Hood River	Governor	Court of Appeals, Position 10	114	3%	VBM-0008, VBM-0025
Jackson	Governor	BOLI	112	3%	ED-005, ED-016, ED-031, ED-082, ED-138, ED-156, ED-215, ED-222, ED-223, ED-244, ED-278, ED-335, ED-373, ED-432, ED-460, ED-465, ED-474, ED-546, ED-551, ED-578, ED-623
Josephine	Governor	US Senator	114	3%	EV-026, EV-044, EV-095, EV-123, EV-139
Klamath	Governor	US Senator	113	3%	ED-020, ED-027, ED-089, ED-103
Lane	Governor	Court of Appeals, Position 11	113	3%	ED-072, ED-090, ED-1018, ED-1025, ED-1062, ED-1073, ED-1144, ED-1147, ED-1194, ED-1201, ED-1203, ED-1211, ED-1217, ED-146, ED-202, ED-215, ED-318, ED-329, ED-347, ED-399, ED-435, ED-443, ED-462, ED-464, ED-476, ED-485, ED-531, ED-594, ED-599, ED-613, ED-648, ED-655, ED-659, ED-666, ED-809, ED-825, ED-826, ED-855
Linn	Governor	Court of Appeals, Position 11	114	3%	ED-019, ED-090, ED-102, ED-117, ED-121, ED-176, ED-210, ED-222, ED-241, ED-274, ED-275

Multnomah	Governor	Court of Appeals, Position 10	114	3%	Listed Separately
Polk	Governor	US Senator	111	3%	AO-055, AO-059, AO-123, AO-134, AO-146, AO-173, AO-179, AO-233
Umatilla	Governor	Court of Appeals, Position 11	113	3%	A0021, A0040, Z0040
Wasco	Governor	US Senator	112	3%	AB-001, AB-005, AB-026, AB-0095
Washington	Governor	Court of Appeals, Position 10	114	3%	AB-396, AB-468, AB-413, AB-485, AB-119, AB-194, AB-574, AB-054, AB-595, AB-423, AB-441, AB-911, AB-057, AB-349, AB-258, AB-063, AB-144, AB-300, AB-374, AB-405, AB-542
Yamhill	Governor	Court of Appeals, Position 10	112	3%	Listed Separately

Separately Listed Batches

Clackamas		Lane	Multnomah	Yamhill	
Scanner 2-488	Scanner 1-673	ED-655	AB-0007	118	1386
Scanner 3-383	Scanner 1-691	ED-1147	AB-0014	158	1435
Scanner 3-281	Scanner 3-352	ED-462	AB-0045	191	1445
Scanner 3-467	Scanner 1-438	ED-531	AB-0052	194	1449
Scanner 1-470	Scanner 3-77	ED-1073	AB-0087	196	1452
Scanner 6-30	Scanner 4-199	ED-435	AB-0090	197	1497
Scanner 2-4	Scanner 4-395	ED-485	AB-0152	229	1552
Scanner 2-134	Scanner 3-170	ED-599	AB-0158	354	1595
Scanner 1-539	Scanner 4-33	ED-476	AB-0192	388	1621
Scanner 3-200	Scanner 1-551	ED-648	AB-0199	392	1672
Scanner 1-581	Scanner 1-681	ED-659	AB-0227	407	1689
Scanner 4-332	Scanner 4-167	ED-1201	AB-0249	409	1728
Scanner 2-388	Scanner 2-344	ED-072	AB-0274	503	1787
Scanner 3-196	Scanner 4-428	ED-399	AB-0293	507	1814
Scanner 4-274	Scanner 2-58	ED-825	AB-0298	528	
Scanner 1-89	Scanner 3-338	ED-826	AB-0363	583	
Scanner 2-267	Scanner 1-176	ED-443	AB-0445	632	
Scanner 2-215	Scanner 1-202	ED-1025	AB-0483	641	
Scanner 2-249	Scanner 2-72	ED-1211	AB-0484	648	
Scanner 1-238	Scanner 3-214	ED-809	AB-0543	732	
Scanner 3-47	Scanner 4-301	ED-215	AB-0630	765	
Scanner 4-262	Scanner 1-429	ED-464	AB-0645	798	
Scanner 2-331	Scanner 3-384	ED-1203	AB-0679	818	
Scanner 2-517	Scanner 6-35	ED-1062	AB-0724	859	
Scanner 1-255	Scanner 1-64	ED-613	AB-0753	871	
Scanner 1-385	Scanner 1-90	ED-594	AB-0815	968	
Scanner 4-217		ED-1194	AB-0835	970	
Scanner 3-45		ED-318	AB-0860	1106	
Scanner 4-164		ED-329	AB-0963	1027	
Scanner 4-363		ED-1018		1083	
Scanner 1-237		ED-090		1097	
Scanner 3-360		ED-146		1127	
Scanner 1-638		ED-666		1163	
Scanner 4-335		ED-1144		1173	
Scanner 1-207		ED-1217		1183	
Scanner 1-337		ED-347		1190	
Scanner 1-244		ED-202		1221	
Scanner 3-46		ED-855		1248	
Scanner 4-125				1255	
Scanner 2-349				1256	
Scanner 4-29				1361	
Scanner 1-398				1634	
Scanner 1-543				1384	

